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Implementing The Agenda For The 1990's

A Training and Technical Assistance Project

Presented by

National Victim Center

National Organization for
Victim Assistance

American Correctional
Association Victims Committee

California Department of
Corrections

California Youth Authority

And Sponsored by

U.S. Department of Justice Office for Victims of Crime

CRIME VICTIMS & CORRECTIONS

Implementing the Agenda for the 1990's

A Training and Technical Assistance Project



**National
Victim Center**

July 1, 1992

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July 1, 1992

Dear Colleague:

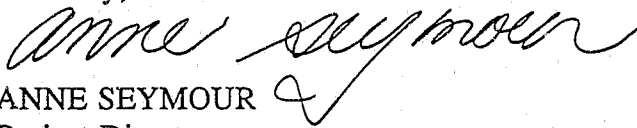
On behalf of the faculty of "Crime Victims and Corrections: Implementing the Agenda for the 1990s," I would like to thank you for your interest in and commitment to improving programs and services for crime victims in the corrections process. We have seen considerable progress in the past five years toward improving victims' rights and services in both institutional and community corrections agencies, due in large part to the combined efforts of this project's co-sponsors: the National Victim Center; National Organization for Victim Assistance; American Correctional Association Victims Committee; California Department of Corrections; and California Youth Authority.

The co-sponsors are grateful to the U.S. Department of Justice Office for Victims of Crime, whose support has made training and technical assistance to improve victim services in corrections possible. Special thanks is extended to OVC Acting Director Brenda Meister and this project's Grant Monitor, Susan Laurence, who together have made corrections-based victim services a priority within the Justice Department and nationwide as well.

"Crime Victims and Corrections: Implementing the Agenda for the 1990s" is the second phase of a national project to help initiate and enhance victim services in corrections. The Project Faculty members have received valuable input from corrections professionals, victim service providers and crime victims -- feedback that has helped us design the curriculum and supporting materials included in this notebook. We are confident that these resources, along with the technical expertise and assistance available from the Project Faculty, will help you examine and enhance victim services in your state.

Please don't hesitate to contact me -- or any of the Project Faculty members listed in this notebook -- for additional information or assistance.

Sincerely,



ANNE SEYMOUR
Project Director

AS/

**Crime Victims and Corrections:
Implementing the Agenda for the 1990's**

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CRIME VICTIMS AND CORRECTIONS:

IMPLEMENTING THE AGENDA FOR THE 1990'S

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CORRECTIONS-BASED VICTIM SERVICE PROGRAMS

Introduction

Victim Service Programs in departments of corrections are relatively new. These programs are generally intended to assist departments in carrying out those mission, philosophy and program priorities that include victims and victim issues in the activities of the department.

Programs should be soundly grounded in the philosophy of:

- making offenders aware of the impact of their actions upon victims and holding them fully accountable for their behavior while institutionalized and on parole;
- developing an environment which encourages accountability and responsibility to the needs of victims, including restitution, community service, cooperative education efforts, and participation in productive work;
- establishing, assessing, refining and expanding current efforts to assist victims of crime;
- informing and educating correctional staff about the impact of crime on victims; and
- educating and informing crime victims, service providers and the community about corrections and related victim services.

Historically, the entire criminal justice and correctional systems have emphasized the punishment and treatment of the offender. In recent years, the various components of the criminal justice system have placed greater emphasis on the needs of the victim. In many states, victims currently receive local support services, have input into the sentencing process, receive financial assistance through the state's Victim Restitution or Compensation Funds, or receive restitution directly from the offender as ordered by the court.

It is increasingly important that the corrections system examine the needs of victims and the system's response to those needs. At present, the victim has little input into the correctional process.

Victims often have questions about the length of sentences, the location of prisoners and actual parole dates. Many other victims wish to testify at parole hearings. To date, not nearly enough corrections agencies establish open lines of communication with victims and community victim service providers.

It is common for inmates to serve an entire sentence without being provided with information regarding the impact of crime upon victims. In addition, it is important that correctional staff receive information to help them recognize and understand the impact of crime on victims. Departments must also examine ways to include victim representatives within every community in the development of restitution programs, parole services and the development of training programs.

The primary scope of activities and involvement within departments of corrections should include, but not be limited to:

- establishing departmental training at all levels on the impact of crime upon victims;
- establishing restitution programs in institutions and parole regions, including financial restitution and public service work;
- establishing a notification process to inform victims when an inmate is scheduled to be released, or when there is an escape, or other pertinent changes in an (offender's) status;
- providing appropriate support to victims who testify at parole hearings;
- developing and disseminating victim services information;

- providing information for victims and the public about corrections programs;
- involving victim service agencies in the department's activities;
- developing programs and training for inmates and staff in collaboration with local victim service agencies; and
- placing victims on departmental committees, advisory groups, task forces, etc.

The following specific objectives and activities will assist departments of corrections in developing and implementing a comprehensive Victim Service Program.

Handling Complaints From Victims and Witnesses

Sometimes, crime victims have complaints about the way agencies handle matters concerning their cases. A number of correctional agencies -- including 17 in adult corrections, 13 in juvenile corrections, and 18 parole departments -- have responded by initiating formal procedures for handling victims' complaints and concerns. Clearly defined agency policies and protocol for handling victims' complaints help eliminate further trauma to victims who need someone to talk to, someone who can answer their questions, and someone who can help them understand how and why decisions affecting offenders are made.

Some of victims' major complaints, along with the number of state correctional agencies which have received such complaints, include:

<u>Victims' Complaints About</u>	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Harassment, Intimidation or Retaliation by Offenders or Their Families	33	22	33
Failure to Be Notified About Changes in Offenders' Status	28	13	29
Where the Offender is Housed	28	21	24
When the Offender is Released	31	24	37
Where the Offender is Released	22	19	35

Identification of Staff

The majority of adult and juvenile correctional agencies utilize existing staff to provide services to crime victims. This approach is usually necessitated by severe restrictions on agency budget and personnel. Staff members whose work involves victim services, in addition to other assignments, can benefit greatly from the protocols and guidelines included in the "Crime Victims and Corrections: Implementing the Agenda for the 1990's" curriculum.

There are other possibilities for funding crime victim services in correctional agencies. The Victims of Crime Act (VOCA) of 1984 provides Federal funding for state and local victim services in all 50 states. VOCA monies are derived from fines and assessments on persons convicted of Federal crimes. Since "victim notification", "case disposition information", and "post-conviction advocacy for victims" are all eligible services under the mandate of VOCA, some states' VOCA programs fund direct services for victims in correctional agencies as well as state victim compensation funds (see Appendices A and B).

The decision to provide VOCA funding for corrections-based victim services lies with the VOCA administrator of each state. Corrections officials interested in pursuing this possibility should contact the VOCA administrator in their

state.

Use of Volunteers and Interns

Some agencies have recruited and obtained volunteers and interns to assist with the many tasks associated with victim services. Volunteers and interns require intensive supervision and training to fulfill their jobs in their respective agencies. However, volunteers and interns can augment professional staff in a variety of capacities, including but not limited to:

- sending letters to victims requesting notification;
- processing victim information into the notification computer database;
- providing information and referral services to victims in writing or by telephone;
- helping to develop and disseminate information about victim services in corrections to crime victims, service providers and concerned citizens; and
- other duties deemed appropriate by correctional staff.

Many universities offer paid and non-paid internship programs in a variety of disciplines for their students, including:

- corrections;
- criminal justice;
- social work; and
- sociology.

Corrections officials can contact the Chairpersons of these departments at colleges and universities in their regions and inquire about interns to work within their victim service programs. Internships offer students an interesting,

challenging and memorable job experience that will benefit them as they enter the professional job market upon graduation.

The "Crime Victims and Corrections: Implementing the Agenda for the 1990's" training curriculum can be easily incorporated into volunteer and intern training for correctional agencies.

Please refer to the "Volunteers in Corrections" section of this notebook for additional information.

Victims Brochure

A well-written brochure will provide the public with information about what the department of corrections is, services the department provides to victims of crime, resources available within the department to assist in resolving victim issues, and outside referral resources to further assist victims and their families.

The content of the brochure should be developed in collaboration with community-based organizations and victim groups to ascertain the type of information needed from the department. Drafts of the brochure should be circulated for review to those areas in corrections that will be affected by its content (i.e. paroling authority, institutions, parole or probation division, etc.). Comments received should be considered for incorporation into the final product.

The brochure should then be reviewed for approval by executive staff in your department. Comments received at this level should again be incorporated into the brochure. The logo format, cover and colors are important to the success of the brochure, and should be carried as a theme throughout the Victim Services Program. Upon printing, the brochure should be distributed to law enforcement, courts, probation, district attorneys, victim organizations, victims, and departmental staff.

Develop a system for updating information contained in the brochure. Where appropriate, brochures should be translated into other languages to meet the multi-cultural needs of victims. Where available, prison industry inmate labor should be used to print the brochures.

Please see the "Developing a Public Awareness Brochure" section of this notebook for additional information.

Informational Bulletins

- **Audience:** Informational bulletins will provide information to unlimited numbers of agencies through the state and nation who are interested in what the department of corrections is doing concerning victims' rights and services. Information bulletins will include data and facts about policies, services, current activities and programs, and future plans.
- **Content:** On a quarterly basis, distribute informational bulletins containing facts about issues facing victims (i.e. restitution, corrections-based victim services, notification, allocution, etc.). Topics chosen need to be thoroughly researched and written in the narrative form. The final draft should be circulated to the appropriate administrators for review and input.
- **Distribution:** Once the informational bulletins have been approved for distribution, they should be mailed to a wide variety of organizations, i.e. victim/witness programs, district attorney and probation offices, courts, victim service organizations, etc. The bulletins should also be distributed within your own organization, as they usually will provide information of which everyone should be aware.

Please see Appendix C for a sample informational bulletin.

Standardized Victim Notification

This objective will promote the development of a standardized victim notification procedure to be implemented in all institutions and parole regions. In some states, penal codes continue certain statutory rights of victims in adult parole hearings. Upon request, notice of any hearing to review or consider the parole eligibility or the setting of a parole date for any prisoner in a state

prison, shall be sent by the paroling authority at least 60 days before the hearing to any victim of a crime committed by the prisoner, or to the next-of-kin if the victim is deceased. The requesting party shall keep the paroling authority apprised of his or her current mailing address.

The victim or next-of-kin has the right to appear, personally or by counsel, at the hearing and to adequately and reasonably express his or her views concerning the crime and the person responsible. The paroling authority, in deciding where to release the person on parole, shall consider the statements of victims and next-of-kin, and shall include in its report a statement of whether the person would pose a threat to public safety if released on parole.

The process should begin with a thorough review of existing laws, policies and procedures within the department, as well as outside the department, i.e. Department of Mental Health, where applicable. A standardized procedure should be developed to ensure the same level of service throughout the department.

Draft procedures should be circulated for review and comment to executive staff, institutions and parole, legal counsel, and other appropriate parties. Once all comments have been incorporated, the procedure should be issued through an administrative process to implement a standardized system.

The "Bob Preston" Story

Following the murder of his daughter Wendy, Bob Preston became a leading advocate for victim rights in his home state of Florida and nationwide. Preston is known as "the father of the victim rights constitutional amendment". Effective in seven states -- with the five amendments on the November 1992 ballot expected to also pass -- these amendments grant victims the constitutional rights to be present, heard and informed throughout the various stages of the criminal justice and corrections processes.

In 1987, Bob Preston was attending a national conference sponsored by the National Victim Center in Fort Worth, Texas. Between workshop

presentations, he was summoned to the telephone for an urgent call. Calling from Florida, MADD activist Mary Wiley told Bob she had been reviewing the agenda of the Florida Parole Commission when she noticed the name "Tal-Mason" on the agenda for an upcoming hearing.

As Preston explains, "Tal-Mason" is not a common name. It is also the last name of the man who killed his daughter Wendy. Mary Wiley told Bob "you better get here in a hurry -- the hearing is scheduled for 9:30 a.m. tomorrow morning!"

Preston notes that he asked a member of the Parole Commission why his statutory right to notification was violated. While the Commission admitted it was simply an "oversight", Preston was extremely pleased that they took immediate steps to prevent future "oversights" in other victims' cases.

This actual case scenario illustrates the importance of victim participation in the parole process. As Preston is always quick to explain, he feels an obligation -- a real responsibility -- to attend all hearings involving his daughter's murderer. Like many survivors of homicide victims, he stresses the importance of standing up for innocent victims who can no longer stand up for themselves.

Please refer to the "Victim and Witness Notification Programs" section of this notebook for additional information.

Restitution Procedure

This objective will address a major issue throughout the United States concerning victim compensation by offenders. Although some states have Victims' Bills of Rights incorporated into their state constitutions, many states need to acknowledge that it is the unequivocal intention of the people that all persons who suffer losses as a result of criminal activity shall have the right to restitution from the persons convicted of the crimes for losses they suffer.

Restitution should be ordered from adjudicated persons in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss, unless compelling and extraordinary reasons exist to the

contrary.

It is important to review existing laws, policies and procedures to ensure that all aspects of restitution are identified as they apply to your state and department. The development of a standardized procedure should follow. The draft document should be circulated for review and comment to executive staff, institutions and parole, legal counsel, administrative services, and appropriate other parties. All reviewing comments should be incorporated and the document scheduled for executive staff review and approval. The procedure should be issued through an administrative bulletin, and restitution collection and distribution of funds should begin department-wide. Your department should consider testing the procedure with a pilot program in both institutions and parole. Staff should periodically assess and modify the procedure as needed.

Please refer to the "Restitution" section of this notebook for additional information.

Procedure to Accommodate Victims Who Testify at Parole Hearings

The development and implementation of this procedure will help ensure the best possible treatment of victims while in the department of corrections institutions. It provides for the training and sensitizing of staff, as well as consideration by staff of the physical logistics of hearing rooms, waiting rooms, and the placement of victims and their families separate from the offender.

The same process of reviewing existing policies and procedures, including appropriate review levels, and issuing an administrative bulletin to ensure standardized services to victims throughout the department also apply here.

Please refer to the "Guidelines for Victim Services in the Parole Process" section of this notebook for additional information.

Establish Victims Advisory Committee/Task Force

Members of the committee/task force should be representative of the department, the community, victim service agencies and crime victims. The committee should also seek multi-cultural representation in its membership.

Discussion should center around what the department can do for victims and how to best facilitate information and services in a positive manner. Brainstorming is an effective means to solicit information necessary to set a workplan in progress that will serve as guidance in the development and implementation of the department's Victim Services Program. The advisory group should meet on a regular basis to review and discuss the level of services provided, training issues in the community and the department, new laws and how they affect corrections, etc.

An important function that a victim services task force or board can perform is monitoring victim services. With the direction, support and assistance of paid agency staff, existing victim services can be monitored by community service providers for compliance to program and agency objectives. The purpose is not to find fault, but to identify areas that require additional attention, resources or perhaps support. Great care should be taken in selecting victim representatives who are interested in developing and improving services, not in seeing the monitoring as a means of correcting other perceived inadequacies of the corrections agency.

Please see Appendix E for examples of how the California Youth Authority is attempting to monitor its victim services program.

How to Get Correctional Information to the Victim Service Community

It is imperative that victim service providers be educated about the types of services that are available to crime victims from correctional agencies in all 50 states. Many victim service organizations have regular newsletters and/or informational bulletins that provide an ideal forum to publicize victim services

in corrections. A complete roster of victim services in each state is available at no charge from the Communications Department of the National Victim Center.

In addition, a majority of states have coalitions or networks which provide important linkages among all victim service agencies. The National Victim Center can help corrections officials identify the leaders of such state coalitions. Corrections officials should get to know these important victim service professionals, and identify:

- the officers or leaders of the victim service coalitions;
- when and where they meet;
- any publications that might have room for an overview of victim services in corrections; and
- other information to educate crime victims and advocates about victim services in corrections.

The critical partnership between victim service providers and corrections officials is not complete without mutual efforts to share information and resources. In states such as California, Colorado, Florida, Indiana, South Carolina, Minnesota, Texas and Utah, representatives from adult and/or juvenile corrections agencies actively participate in the state victim service coalition. They provide training, informational brochures, and assistance with activities related to National Crime Victims' Rights Week each April. They share information about pending legislation relevant to crime victims and/or corrections, and provide mutual support in the legislative process, when applicable. Victim service providers also provide workshops and panel presentations about victims' rights, needs and services at state and local corrections conferences.

Victim Service Program Internal Advisory Committee

Members of the internal departmental committee will serve in an advisory and review capacity to staff in the Victim Services Program. This is of particular importance when staff are writing policies and procedures that will ultimately

affect the operations of the department. It also serves as a method by which the departmental staff will become aware of the needs of victims with regard to information about offenders.

Classes on Impact of Crime on Victims for Staff, Inmates and Parolees

Attainment of this objective will provide staff, inmates and parolees with a thorough understanding of the impact of crime on victims. The curriculum should include topics such as property crimes, violent crimes, substance abuse, etc. Inmates, parolees and staff are taught about how these crimes affect victims and their families, often for their entire lifetimes.

Consider whether or not these classes should be part of the mandatory pre-release programming for all inmates, and a condition of parole for parolees. Consideration should also be given as to whether or not this type of curriculum should be a component of the academy curriculum for institutions and parole.

Existing "Impact of Crime on Victims" curricula should be reviewed and modified to fit your agency's particular needs. From there, a standardized curriculum should be developed and implemented throughout your agency. An administrative bulletin should be issued to ensure consistent application of whatever curriculum is developed for presentation.

Please refer to the "Impact of Crime on Victims" section of this notebook for additional information.

Training for Victim Programs

This training objective will provide for the identification and training of national, state and local victim service organizations about victim services and issues within the department of corrections. Training should be conducted by departmental staff at annual workshops and conferences, and through community involvement activities conducted by institutions and parole offices. These types of activities not only allow the community victim service agencies

in your state to know what the department of corrections is all about; they also enable your agency to conduct viable training for community groups that will have an impact on such areas as how to access public information, have input into conditions of parole, know the physical location of inmates and offenders, etc. This is an excellent and inexpensive way to share information at the community level.

Departmental Forums on Victims Issues

Departmental training forums provide staff with an understanding of various victim issues and concerns, and ongoing activities and programs within the department. Activities will include the identification of topics, needed resources, research of current activities and issues, and the presentation of information to departmental staff.

The best place to host these forums is on institution or department grounds. Considering the possibility that you will become involved with community victim service providers, this will be a good way to introduce victims to the department as well. It should be noted that these training forums are essentially "trainings for trainers" so that attendees can go back to their local worksites and train other staff.

Forums should be held at least quarterly throughout the year. An average of six per year is even better. Forum presenters should include the victim services coordinator in your department, as well as other appropriate departmental staff depending upon the topic at hand. Victim service providers and victims/survivors should also be utilized as presenters.

Forums can effectively combine youth and adult correctional agency staff and issues. Inmate groups may also be the recipients of departmental training for information in areas such as child abuse, domestic violence, sexual assault, etc.

Please see Appendix E for sample forum agendas.

Procedure to Address Staff as Victims

Through the accomplishment of this objective, staff victimization will be specifically addressed as a major victim issue within the department. Post-traumatic stress disorder has been validated as a very real problem among corrections employees, and it is time to provide specialized care and treatment for these victims. It is a very poor assumption that correctional personnel put themselves in the position of being victimized by virtue of the clients they supervise on a daily basis.

It is important to review existing policies and procedures, as most departments have some type of employee assistance and/or post trauma team program. Do these policies and procedures go far enough? In developing your staff victimization procedure, it is also important to network with your local victim assistance providers and refer staff out as much as possible to trained caretakers.

Once your procedure is in place, it is important to provide annual training for staff regarding critical incidents, particularly those staff who have the responsibility for implementing post trauma services.

Please refer to the "Staff Victimization and Critical Incidents" section of this notebook for specific policies and protocol relative to staff victimization.

1-800-Number

This objective will provide the department with a centralized telephone number that can be accessed at no charge by victims who want information about offenders and/or parolees, i.e. location, release date, parole hearing date, conditions of parole, etc. The information that the department can provide to victims and victim service providers via a toll-free number is helpful in establishing a community network. In states such as California, there could be as many as 100 telephone contacts per week from victims and next of kin located throughout the state and, sometimes, nation.

It is important to have a current statewide roster of victim services at your fingertips for possible referral and networking at the time of contact with victims. Many times, victims are not aware that they have "rights" within the criminal justice and corrections systems. Often, corrections staff serve as their first contact for information and assistance.

Coordination With Other Victim Service Programs

This type of activity will further promote the department's program, and enhance networking and information sharing opportunities throughout the state and nation. It is important to identify major groups and contact their leaders to establish regular meetings several times throughout the year. On a continuing basis, meet regularly with the major victim organizations in your state, and correspond with national groups. Encourage your agency staff to become involved in associations, task forces, community volunteer work, etc.

Two examples of national-level victim service organizations are the National Victim Center (principal sponsor of this project) and the National Organization for Victim Assistance (a co-sponsor of this project). These organizations can provide you with assistance in establishing a victim resource library, up-to-date legislative summaries, a roster of service agencies throughout the United States (and internationally, where applicable), grant funding information, training and technical assistance in various aspects of victim services, etc.

Victim Services Representatives

Attainment of this objective will provide the department with an internal network of employees designated by the Warden or Parole Administrator at each work site throughout the department to deal with victim activities at the local level. The Victim Services Representative can serve as a focal point for the department's Victim Service Coordinator when information and referral assistance is needed.

Staff need to identify and establish a listing of responsibilities and duties for the Victim Services Representative, such as escorting victims to parole hearings, helping victims who have special needs and/or problems, etc. The Victim Services Representatives should meet as a group two times each year to discuss changes in laws, update policies and procedures, and discuss problems encountered at the local work sites, and ways to provide better services to victims.

This, again, is an individual designated by top administration to serve the local work site. It is important that this person have direct communication with the administration to share information received.

A sample duty statement for Victim Services Representatives is included in Appendix F.

Develop and Track Legislation

This objective will allow the department to review existing statutes, submit legislative ideas that relate to victim issues in your state or nationally, and assure departmental compliance with new victim legislation that is enacted.

The National Victim Center has a legislative database which contains over 17,000 statutes relevant to criminal justice, victims' rights, and corrections. The Center can provide sample and/or model statutes to corrections officials for a variety of laws, including victim/witness notification, "stalker" protection, restitution and the parole process.

Corrections officials can contact the Center's Public Affairs Department for additional information or assistance.

Policies and Procedures

The objective here is to provide for the development of new policies and procedures to fit approved changes in existing policies and procedures, specifically as they relate to victim services. It also will ensure that all new

policies and procedures are incorporated into the appropriate departmental manuals as formal documents.

Periodically, policies and procedures should be reviewed by victim services staff to ensure compliance with new laws.

A sample departmental victim services policy is included in Appendix G. In addition, many sections of this notebook contain model policies and procedures related to various aspects of victim services in corrections. A "Victim Service Policy Handbook" developed by the Project Faculty member John Holland from the California Youth Authority is contained in Appendix H.



U.S. Department of Justice

Office of Justice Programs

Office for Victims of Crime

VICTIM ASSISTANCE PROGRAM

There are over 6,000 programs providing a wide variety of services to help crime victims throughout the United States. They include rape crisis centers, domestic violence shelters, victim/witness assistance units, child abuse treatment programs and others. Programs are located in law enforcement agencies, prosecutor's offices, churches, independent community-based groups, hospitals, mental health associations, and social service agencies. They provide crisis intervention, counseling, emotional support, emergency assistance, court notification, case information and an array of other services. Approximately, one-third of these programs receive partial support from the Crime Victims Fund which was authorized when the Victims of Crime Act of 1984 (VOCA), as amended, was enacted.

When VOCA was passed in 1984, victims of child abuse, spouse abuse, and sexual assault were given funding priority by having 10% of a state's total funding from the Crime Victims Fund set aside for programs serving these victims. Recent amendments to VOCA have expanded this special consideration and a new category -- previously underserved victims of violent crime -- is now entitled to a minimum level of funding support (10%) from monies made available to states for victim services.

The Office for Victims of Crime (OVC) has responsibility for implementing VOCA. The principal goals of the victim assistance grant program are: to enable States, local units of government, and private non-profit organizations to improve their services to crime victims; and to promote the development of comprehensive services to all victims of crime across the nation.

Each year, since 1986, monies from the Crime Victims Fund, which consists of Federal criminal fines, penalties and bond forfeitures, have been set aside for grants to the States to provide direct services to crime victims. Each State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and all territories and possessions of the United States now receive a base amount of \$150,000 with the remainder distributed on a population basis. To date, \$215,217,500 in Crime Victims Fund monies has been awarded to states and territories to support direct services, and awards to states and territories from the Crime Victims Fund have increased 64% (percent) over the past 5 years.

With this increase, OVC has observed an increase in the number of community-based victim assistance programs receiving Federal funds to support their efforts, an expansion in the types of services provided, and outreach to other victims of violent crimes, *i.e.*, drunk-driving crashes, elderly victims of assault and abuse, Native Americans victims of violent crime on reservations, survivors of homicide victims, as well as non-traditional organizations, *e.g.*, universities, mental health and social services agencies, extending services to victims of violent crimes. For FY 91, it is projected that \$62,575,500 will be awarded to States in VOCA victim assistance grant funds.

For additional information regarding this Federal assistance program, please contact the Office for Victims of Crime at telephone number (202) 307-5947 or contact your respective State VOCA Administrator.

Appendix B : Crime Victims Compensation
U.S. Department of Justice



Office of Justice Programs
Office for Victims of Crime

CRIME VICTIMS COMPENSATION

Crime victims compensation programs, administered by the states, provide financial assistance to victims and survivors of victims of criminal violence. Payments are made for medical expenses, including expenses for mental health counseling and care; lost wages attributable to a physical injury and funeral expenses attributable to a death resulting from a compensable crime. Some other compensable expenses are also included such as eyeglasses or other corrective lenses, dental services and devices and prosthetic devices. Each state establishes its own procedures for making application for crime victim compensation including establishing minimum and maximum award amounts, and criteria for approving claims.

The Victims of Crime Act (VOCA) established the Office for Victims of Crime and the Crime Victims Fund. Additionally, VOCA authorized annual grant awards to eligible state crime victims compensation programs. The awards supplement state compensation payments to victims of violent crimes for compensable expenses outlined above. The amount of each award is based upon 40 percent of the amount awarded from state funding sources during the preceding fiscal year. A total of \$181,769,429 was awarded to eligible states, including the District of Columbia and the Virgin Islands, from Federal Fiscal Year (FFY) 1986, the first year that awards were made, through FFY 1990. For FFY 1991, it is estimated that \$52,260,000 will be awarded to 44 states, which is more than double the amount awarded in FFY 1986.² The Fund receives fines, penalty assessments, and proceeds of forfeited bonds from offenders convicted of offenses against the United States. No tax dollars are allocated to the Fund!

In order to qualify for a crime victim compensation grant award, the State must meet prescribed eligibility requirements which are specified in VOCA. In 1988, amendments to VOCA which were included in the Anti-Drug Abuse Act of 1988 (P.L. No. 100-690, Title VII, Subtitle D), added new requirements which require states to expand efforts to assist victims of violent crimes. State compensation programs must provide assurance that the state will offer compensation to victims and survivors of drunk driving and domestic violence, and provide compensation to residents of the state who are victims of crimes occurring in States which do not have crime victims compensation for which the victim is eligible. The original deadline for meeting the new requirements was October 1, 1990 as provided in Section 7129 (Transition Rule) of VOCA. However, an amendment to this Section by the Crime Control Act of 1990, Public Law 101-647 (Signed 11/29/90) extended the deadline to October 1, 1991.

For additional information contact the State Compensation and Assistance Division, Office for Victims of Crime, 633 Indiana Avenue, N.W. Washington, D.C. 20531, at telephone number (202) 307-5947.

-
- ¹ Maine is the only State without a crime victims compensation program. Nevada and Montana have crime victim compensation programs, but currently do not participate in the VOCA compensation grant program.
 - ² The establishment of new programs in a number of states will increase the number of VOCA participating states in future years.

FOR YOUR INFORMATION . . .

This informational bulletin was developed by the Victim Services Program, California Department of Corrections (CDC), to address the issue of confidentiality regarding personal information that is often submitted to CDC by victims of crime. Under existing law, victim's of crime or next of kin may request notification, attend parole hearings, and have various input into conditions of parole. The inmate's or parolee's Central File and the process of victim notification will be described.

THE CENTRAL FILE

Once admitted to CDC, a Central File (C-file) is developed for each inmate and shall be moved with the inmate at the time of transfer. As defined by CDC, the C-file is a central depository for copies of all documents, correspondence, and reports pertaining to each inmate. Divided into eleven sections, the C-file contains a confidential section to retain all material designated as confidential (i.e., information pertaining to crime victims). This confidential section is a secure, sealed, and removable portion of the C-file.

The following information applies to the accessibility of C-files.

- o Inmates shall NOT have access to any files or documents classified as confidential.
- o No counsel representing the inmate, legal or otherwise, shall have access to the confidential portion of the C-file.
- o Only specified CDC personnel shall read, handle, transport, or have access to an inmate's or parolee's C-file or copies of its contents. Such personnel includes correctional counselors, classification staff, administration and the like.
- o Inmates and parolees shall not be assigned to handle or transport C-files, except under direct supervision and escort.
- o Control procedures shall guarantee the safe transportation of files.
- o Except in an emergency, all C-files are to be housed in or returned to the Case Records Office at the close of business each work day and as soon as possible after an emergency.
- o Under no circumstance will files be taken off state property without the necessary permission.
- o Files are to be contained in a secure container, and control procedures shall guarantee the safe transportation of files.

THE NOTIFICATION PROCESS

Once an institution receives the victim's written request for notification, the Classification and Parole Representative acknowledges the request and receipts the victim. The request is then placed in the confidential section of the C-file. Upon death, escape, recapture, and prior to release, the C-file is reviewed and the victim is notified.

Approximately seven months prior to parole, the C-file (including the confidential portion) is reviewed for appropriateness of parole location and application of special conditions of parole. When reentry-eligible inmates are transferred to a particular community facility, notice of county of placement and scheduled parole date are sent to the victim(s) who requested notification. For inmates who parole directly from an institution, victim notification is sent after a routine audit of the central file is completed; approximately 60 days prior to the parole date or the revocation release date. Please note, the process of victim notification is NOT automatic, a written request must be submitted by the victim/next of kin to CDC.

If you have any questions regarding information in this bulletin or regarding other victim issues, please contact:

California Department of Corrections
Victim Services Program
P.O. Box 942883
Sacramento, CA 94283-0001
Telephone: (916) 324-6737

Institutions & Camps Branch
Victim Services

Policy & Programming
Monitoring Format

Purpose

- Assure maximum availability of victim impact information to the Youthful Offender Parole Board (YOPB).
- Provide objective review of departmental victim service activities by persons who are knowledgeable and interested in crime victim issues and concerns.
- Provide victim program operations information to the director from a non-staff point of view.
- Emphasize the importance of developing and maintaining "quality" and "effective" as well as "meaningful" victim services/programs at each facility.
- Provide the opportunity for special recognition of innovative and/or effective victim services and programming.
- Provide assistance in any problem areas which may need correction or revision..
- Open institution and camp activities to interested victims and victim service providers in the belief that such openness enhances program quality.

Monitoring Teams

1. Each team shall include three to four TF members with at least one YA staff member, one victim and one victim service provider (this will usually require doubling up on the assignments of some members). The team leader shall be a non YA staff member.
2. When possible, at least one of the non YA staff team members should be new to the TF and one should have been on the TF for at least one year.
3. Non staff team members shall be assigned to visit facilities as close as possible to their homes.
4. The YA staff member shall provide technical assistance and perform a staff role to the team as well as functioning as a full team participant in the monitoring process.

Procedures

FREQUENCY

1. Each monitoring team shall be responsible for visiting one institution and one camp each year. (Due to logistics problems, it may be necessary for some teams to visit more than two facilities.)
2. Monitoring team visit dates must be agreed upon by all members. If a member is subsequently unable to participate on the agreed upon date, a member from another team may substitute. If no appropriate alternate is available, the visit date should be rescheduled (rescheduling a visit less than two weeks in advance should be avoided if at all possible).

SCOPE OF MONITORING

1. The standard Monitoring Visit Preparation Guide shall be used as a guide for all monitoring visits. (Section IV, pages 4-5)
2. The standardized Report to the Director form shall be used by all monitoring teams to report their findings to the Director. (Section IV, pages 9-13)

ADVANCE NOTICE and REQUEST FOR INFORMATION

1. The standardized Advance Information Request (Section III, pages 2-5) shall be forwarded to the facility at least 60 days prior to the monitoring visit and returned by the facility to the monitoring team staff person at least 30 days prior to the visit.
2. The Advance Notice Packet (Section IV), including the Monitoring Visit Interview List (page 3), Monitoring Visit Preparation Guide (pages 4-5), Monitoring Visit Checklist (pages 6-8), and the Report to the Director form (pages 9-13) will be sent to the facility superintendent at least 30 days prior to the monitoring visit.
3. The YA staff person assigned to each team shall be responsible for arranging visit details with the facility superintendent's office and sending out required materials within the time frames specified above.
4. The non staff team leader should make telephone contact with the superintendent prior to the visit to confirm arrangements and establish a working relationship.
5. Questionnaires shall be sent by the staff team member to victims, volunteers and other persons involved in the facility's victim program but not available for personal or telephone interview.

- MADD and Crime Impact class guest speakers, and advisory committee members representing victims, shall be requested to:
 - 1) be available for interview at the facility on the day of the monitoring team's visit (if convenient), or
 - 2) be interviewed by a team member (in person or by phone) prior to the monitoring visit, or
 - 3) complete and return a questionnaire which will be mailed to their residence.
- All victims of Youth Authority wards that have had contact with the facility, shall be mailed a questionnaire and asked to complete and return it in a self addressed postage paid envelope.
 - Questionnaires with due dates and other instructions will be forwarded to victims by the monitoring team staff person immediately upon receipt of names and addresses from the facility.
 - Returned questionnaires which reflect serious victim treatment problems or exceptional staff sensitivity may be followed up with a personal contact and interview by one of the team members.

VISIT PROCEDURES

1. Each facility is responsible for setting up the monitoring visit interview schedule.
 - Team members must check in with the superintendent when they arrive and again prior to leaving the facility.
 - The facility shall make requested staff available, as well as provide suitable space for interviews.
 - Team members will interview wards, staff, management, (victims, and victim/victim service provider volunteers, if available) with a list of questions and areas to be addressed (Section V). Tape recorders may be used if agreed upon by the person being interviewed. (Caution should be exercised before using a tape recorder. Some persons may be less frank in their responses when being recorded.)
2. Monitoring visits (not including the team's report-drafting meeting) should last no more than one day, however;
 - A portion of each monitoring visit may be completed in the evening to assure access to "Victim Impact" and "Don't Drink & Drive" classes.

- Monitoring teams may need more than one day for travel and to evaluate program as well as meet together and prepare the draft report. In such cases, the facility shall reimburse necessary per diem expenses incurred by non staff team members living more than 25 miles from the facility

REPORT TO THE DIRECTOR

1. The monitoring team should meet together immediately after the visit to prepare a draft report.
 - Facilities shall provide a comfortable work space and refreshment for monitoring team members to complete their report.
 - With the concurrence of the members, the monitoring team may consult together via telephone conference line to complete their report.
2. The team leader shall be responsible for completing the final rough draft of the Report to the Director and forwarding it to the facility superintendent for review and comment prior to it being submitted to the Task Force Chairperson.
3. The Superintendent's comments shall be returned to the monitoring team chairperson within 10 working days of receipt.
4. The Task Force chairperson shall forward the final team report to the Director together with a cover letter expressing any relevant observations and recommendations. A copy of the final Report to the Director shall be forwarded to the facility superintendent and each monitoring team member.

Victim Programming Task Force

Monitoring Handbook

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VICTIMS RIGHTS WEEK FORUM
APRIL 26, 1991
9:30 a.m. - 4:30 p.m.

WATER RESOURCES BUILDING
1416 9TH STREET
SACRAMENTO, CA

9:30 a.m. - 9:45 a.m.	Welcoming Comments	JAMES H. GOMEZ Director of Corrections
9:45 a.m. - 10:00 a.m.	Opening Remarks	SANDI MENEFFEE Victims of Crime Services Coordinator
10:00 a.m. - 12:00 p.m.	Victim Services and Paroles	DAVID LYTLE Unit Supervisor Region III Parole
12:00 p.m. - 1:00 p.m.	LUNCH	(on your own)
1:00 p.m. - 2:30 p.m.	Employees As Victims - Post Trauma Teams	MIKE PAPPA Lieutenant Emergency Services RUSS POPE Lieutenant Correctional Training Facility
2:30 p.m. - 3:30 p.m.	Victim Offender Reconciliation Group	MARCIA BLACKSTOCK Executive Director Bay Area Women Against Rape
3:30 p.m. - 4:30 p.m.	Awards Ceremony and Fundraising Presentation	SANDI MENEFFEE Victims of Crime Services Coordinator

AGENDA
NORTHERN CALIFORNIA WOMEN'S FACILITY
DOMESTIC VIOLENCE FORUM

MARCH 22, 1989

8:30- 9:00	REGISTRATION	
9:00- 9:10	WELCOME	Teena Farmon, Warden N.C.W.F.
9:10- 9:15	MODERATOR	Sandi Menefee, Victims of Crime Services Coordinator
9:15- 9:25	FOCUS	James Rowland, Director Department of Corrections
9:25-10:00	THE LAW AND DEFINITION OF DOMESTIC VIOLENCE	Alice Jackson-Wright Deputy District Attorney San Joaquin County
10:00-10:15	BREAK	
10:15-10:50	DYNAMICS AND CYCLE OF VIOLENCE-WHY DO THEY STAY?	Michele Aiken, Executive Director - Central Valley Domestic Violence Coalition
10:50-11:15	OPTIONS AND RESOURCES	Diane Batres, San Joaquin Victim Witness Program
11:15-11:40	DEPARTMENTAL OVERVIEW OF VICTIMS SERVICES PROGRAM	Sandi Menefee, Victims of Crime Services Coordinator
11:40- 1:15	LUNCH AND RESOURCE BOOTHS	
1:15- 2:45	ANGER CONTROL/ VIOLENCE PREVENTION	Allan Creighton, Director Teen Program for Battered Women's Alternatives (BWA) and Harrison Simms, Co-Director Oakland's Men's Project
2:45- 3:15	EMPLOYEE ASSISTANCE PROGRAM	Linda Mayhew Health Safety Officer
3:15-3:30	STRAIGHT TALK	N.C.W.F. Inmates
3:30-4:00	DISCUSSION	Sandi Menefee, Victims of Crime Services Coordinator
4:00	TOUR	

CALIFORNIA DEPARTMENT OF CORRECTIONS
CORRECTIONAL TRAINING FACILITY
SOLEDAD, CALIFORNIA

COMMUNITY NETWORKING AND FUNDRAISING
VICTIMS OF CRIME SERVICES PROGRAM
MARCH 30, 1990

8:30 a.m. - 9:00 a.m.	Opening Comments	E. Myers L. Sanchez
9:00 a.m. - 11:00 a.m.	Community Networking	Panel
11:00 a.m. - 11:30 a.m.	Managing Community Resources	A. Christensen
11:30 a.m. - 1:00 p.m.	Lunch	
1:00 p.m. - 4:00 p.m.	Fundraising	Panel
4:00 p.m. - 4:30 p.m.	Video	SCC

Duty Statement

Victim Services Representative

The Victim Service Representative will represent the CDC Victims of Crime Services program at the institution/parole region.

Escort at BPT parole consideration hearings. The VSR or designee (institution) will meet the victim at the entrance to the prison. The VSR will accompany the victim and his/her escort, if any, to a waiting area and will remain with him/her until the hearing begins. If the victim has not arranged for someone to accompany him/her during the hearing, the VSR will offer to act in that capacity. The VSR will not speak during the hearing.

Provide counsel to staff (and their families) who have been victimized. The VSR will provide victim services for any incident, on duty or off duty, from which a new charge results. The VSR will be responsible for victimized staff who are employed in the VSR's institution/region, regardless of where the inmate is transferred or sentenced.

Conduct *Impact of Crime on Victims* training. With direction from Central Office Victims Program staff, the VSR will conduct local training using curriculum provided with the *Impact of Crime on Victims Handbook*. Emphasis will be on sensitizing staff and inmates to the needs of victims and educating staff regarding the Victims Program and the services it offers.

Fundraising activity. In cooperation with the Community Resource Manager (CRM) and community-based victim organizations, the VSR will conduct fundraising activities for victims organizations. Generally, the VSR will have ultimate responsibility for fundraisers for which victim organizations have claim to more than half of the proceeds. Otherwise, the VSR will defer to the CRM. The VSR and CRM may come to an alternate arrangement if desired.

Correspond with victims. If a victim writes or calls the VSR directly, the VSR will offer services accordingly.

Attend forums and training as the opportunity arises. The VSR will make an diligent effort to constructively share attained knowledge with other staff.

Conduct liaison with Central Office Victims Program staff and other institution/region VSR's to share experience and to coordinate activities. Attend semi-annual VSR meetings.

Actively network with community organizations to promote the CDC Victim's program and to develop resources for victims and inmates.

Appendix G
California Department of Corrections Victim Services Policy/Procedure

CHAPTER: GENERAL INSTITUTIONAL MANAGEMENT
SUBJECT: VICTIM SERVICES

5850

NOTICE

5850

The Branch shall initiate a reasonable effort to provide all victims of YA wards with information about their legal rights as victims and the Department's victim services policies. (See also Section 5760, "Release of Information to the Public.")

Superintendents

1. Develop procedures for staff which incorporate the following standards:

- a. All wards under the jurisdiction or control of the Youth Authority, regardless of age or court of commitment. Upon request of the victim, victim representative (including a Victim/Witness Assistance Center), or other persons determined to be potential victims (e.g., have given court testimony, etc.), provide notice of any Board hearing where the ward may be considered for parole. Follow procedures and notice letter format provided in Section 4155 of this manual. (See also Sections 4157 and 5543, "Duty to Warn Potential Victims.")
- b. Wards committed by a criminal court and juvenile court wards committed for W&IC 676 offenses. Upon request of the victim, victim representative (including a Victim/Witness Assistance Center), or other persons determined to be potential victims (e.g., have given court testimony, etc.), provide notice of a ward's impending release (including parole, furlough, day pass if in the victim's local area or, release to a re-entry program), escape or transfer. Notice of escape or other unexpected (by the victim) release of the ward shall be made by phone or telegram as soon as possible, but no later than two (2) hours following the unexpected release or escape. Written notice of transfer shall be made within three working days following the transfer.

- c. Upon request of the victim, victim representative (including a Victim/Witness Assistance Center), or other persons determined to be potential victims (e.g., have given court testimony, etc.), provide notice of the earliest possible release date (EPRD) of an "M" case to the victim no sooner than 60 and no later than 30 days prior to the ward's expected release.

WRITTEN STATEMENTS

5855

Any victim may submit a written statement of his/her views for consideration by the Youthful Offender Parole Board and/or Superintendent at the initial Board hearing, any annual review Board hearing or other hearing by the Board or institution/camp for consideration of a ward's possible release on parole, day pass or furlough. Victims shall be advised that their statements to the Youthful Offender Parole Board are not confidential. The Board shall not be advised of the content or receipt of such statements without written consent from the victim/next of kin author.

Superintendent

1. Develop procedures for staff to assure the following standards:
 - a. Upon request, and receipt of a signed Waiver of Confidentiality for disclosure to the Youthful Offender Parole Board and ward, written statements by the victim of a ward shall be included for review at the initial Board hearing, all annual review Board hearings and other Board hearings where release on furlough (including work and emergency furlough) or parole may be considered.
 - b. Upon receipt, written statements from the victim of a ward shall be considered by the Superintendent (or designee) prior to approval of any day pass (if the day pass will occur in an area within 50 miles of the victim's home) or emergency furlough for the ward.

- 1) The ward shall not be advised of the content or receipt of such statements without written consent from the victim author.

APPEARANCE AT YOPB HEARINGS

5860

Upon request, with at least 24-hours' notice, victims of offenders committed to the YA shall be permitted to appear in person or by representative to express their views to the Board at initial hearings, annual review hearings and other hearings where release on furlough or parole may be considered. Victim appearance during the formal Board hearing is not considered confidential. However, victims and/or their representatives may be permitted by the Board to express their views in an interview outside the formal hearing (15 CAC 4944(b)). The interview shall be voice recorded and the ward shall be advised of the substance of the interview. Limited confidential status may be granted under circumstances described in 15 CAC 4944(b)(2).

Superintendent

1. Develop procedures for staff to assure the following standards:
 - a. Upon receipt of a timely request, response to a victim's request for notification (including location, date and approximate time of the hearing) shall be forwarded to the victim at least ten working days prior to the scheduled Youthful Offender Parole Board hearing date.
 - b. Provide victims and/or their representatives appearing before the Board or for prehearing interview with a waiting area separate from the ward and any non-YA person connected with the ward, e.g., ward's relatives, friends, attorney, etc.

PARTICIPATION IN PROGRAM

5865

All institutions and camps shall establish a Superintendent's citizen advisory committee(s) which includes victims and or victim advocates as

active members. Victims and victim advocacy group members shall be recruited for participation in ward program activities designed to increase ward awareness of the impact of crime on victims, as well as their own responsibility for their behavior, e.g., MADD Don't Drink and Drive course, Impact of Crime on Victims course, etc.

Superintendent

1. Develop procedures for staff which assure the following standards:
 - a. Inform and recruit participants from local criminal justice agencies, as well as organized victim support and victim advocacy groups.
 - b. Develop an institutional orientation program to be provided to all victim service volunteers.
 - c. As appropriate, conduct a briefing and debriefing each time a victim service volunteer enters and leaves the facility.

VICTIM CONFIDENTIALITY

5870

Information about a victim, including name, address, phone number, employer, social security number, written or verbal statements, correspondence or other contact with the Department shall be available to authorized Youth Authority personnel only, except as follows:

Where the victim has provided a written release authorizing the Department to make specific information available to the ward and the Youthful Offender Parole Board or other persons.

Superintendent

1. Develop and maintain a system to assure confidentiality of victim information, i.e., not available to the Youthful Offender Parole Board, ward or other unauthorized persons.
2. Develop procedures for Casework Specialists and Parole Agents to remove all personal information about a victim from any case

file accessible to the ward including, but not limited to: name, address, phone number, employer and social security number. (Also see Section 5730, "Information Practices.")

3. Develop procedures for staff to assure the following standards:

a. Except as otherwise specified in I&C Branch policy, ward requests for assistance in forwarding correspondence to a victim shall be sent to the victim's local Victim/Witness Assistance Center together with a request for the Center to determine the victim's willingness to receive the ward's correspondence.

1) Normally Department staff assistance shall be limited to forwarding letters of remorse, judged by the ward's counselor to be sincere and appropriate, with approval by the facility Victim Services Coordinator or Office of the Superintendent.

b. Court-ordered restitution payments shall be forwarded to victims as provided in Sections 5875 and 5876 of this manual.

RESTITUTION

5875

Restitution, whether to the victim, State Restitution Fund or by public service, teaches wards accountability for their behavior.

WARD EARNINGS

5876

Any ward, as a condition of institution and camp employment, shall contribute 15 percent of earnings to his/her victim and/or the State Restitution Fund as ordered by the committing court. All wards employed in a Free Venture Program shall contribute 15 percent of their earnings to the State Restitution Fund unless ordered by the court to pay restitution directly to their victim(s). In cases where the court has ordered restitution,

payments to both the victim and the State Restitution Fund, the victim shall be given first priority if the ward cannot reasonably make payments to both. Following are guidelines for determining minimum payment amounts and to whom payments should be made when a court orders more than one victim to be paid.

Checks from ward trust accounts for payment of restitution (insurance companies, State Fund or direct to victims) should be issued in a minimum amount of \$5.00 or the full amount owed if less than \$5.00.

When the court orders restitution payments to both the actual victim(s) and to the State Restitution Fund and/or insurance companies, the following priority shall be used to determine to whom payments are to be made, unless otherwise specified by the committing court.

1. Victims (individuals and businesses)
2. Restitution Fund
3. Insurance companies (for reimbursement of payment of victim claims).

For the convenience of institutional and camp accounting personnel, the Branch Volunteer and Victim Services staff shall specify the restitution payment priority when notifying Superintendents that direct payment of restitution to victims has been requested.

Amounts paid shall be reported to the Youthful Offender Parole Board at each annual review hearing and at hearings where release on parole may be considered.

Intake and Court
Services Section

1. When reviewing court commitment documents for acceptance of each case, make a notation on Form YA 1.613 of any court-ordered restitution, including that payable to the State Restitution Fund and to victims. (Include victim address on original only.)
2. Forward original of completed Form YA 1.613 to the Ward and Victim Services Section.

Branch Ward and
Victim Services
Section

1. Set up and maintain a confidential file for all correspondence to, from and regarding any victim(s) to whom the court has ordered a ward to pay restitution.
2. Notify the identified victim of departmental policy regarding collection of restitution payments by wards.
3. If departmental assistance to collect restitution is requested by the victim, notify the Superintendent of the ward's assigned facility. Specify the restitution payment priority when more than one victim has requested payment.
4. Forward copies of the above notice and priority list to the ward's parole file.

Institutional or
Camp Superintendent

1. Establish procedures which assure institutional staff compliance with the responsibilities specified in this section and Sections 1450-1466.
2. Notify appropriate casework and accounting personnel and assure initiation of Sections 1450-1466 of this manual

Institutional
Casework Staff

1. Advise the ward that as a condition of any employment while confined to a Youth Authority facility, he/she must pay restitution as specified by the court and departmental policy described above.
2. Include goals and strategies for meeting restitution obligations in case planning and report the ward's progress to the Youthful Offender Parole Board at annual reviews and referral to parole.

Encourage wards to voluntarily pay additional restitution (above the 15 percent minimum requirement) and explain that good faith compliance with restitution orders will be reported to the Youthful Offender Parole Board.

3. Follow procedures outlined in Sections 1453-1466.

- | | |
|---------------------------------------|---|
| Institutional
Accounting Section | <ol style="list-style-type: none">1. Follow procedures outlined in Sections 1453-1466.2. Forward checks payable to the victim to the Ward and Victim Services Section Administrator. |
| Branch Ward and
Accounting Section | <ol style="list-style-type: none">1. Forward checks, in accordance with directions received from the victim, together with a copy of the ward's restitution ledger card showing the amount paid and balance outstanding. Include check transmittal letter.2. Forward copies of the above check transmittal letter and ledger card to the ward's parole file.3. Maintain an updated file of all activity concerning each victim request for direct payment of restitution. Retain files for five years following ward's release on parole. |

FUND RAISING FOR VICTIM SERVICES

5877

Each institution and camp may develop projects for wards to raise funds or assist agencies and programs which provide services to victims of crimes. Program planning should involve local citizen and victim advisory committees, and ward advisory committees in the design and implementation of the victim services fund raising project. Programs should avoid activities where staff would be solicited as the primary source of funds.

Fund raising activities shall not have significant economic impact on local businesses or craftsmen nor be conducted during time periods that would have been used for ongoing community service activities. Wards shall not participate in victim services fund raising in lieu of other mandated program activities.

**California Youth Authority
Institutions and Camps Branch
Victim Services Policy Handbook**

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Summary of Pertinent Laws

July, 1992

VICTIM INFORMATION PACKET

The following documents are sent by the Ward and Victim Services Section to each victim of a committing offense listed under Section 676(a) of the Welfare and Institutions Code and to any victim for which the committing court has ordered restitution paid to the victim. The packet is not sent to victims of offenses not listed under PC 676(a) unless restitution has been ordered.

- Letter from the Director signed by the Ward and Victim Services Section, Victim Notification Specialist. There are two versions of the letter; one for the victims of the wards' crime, the other for the next of kin of a victim that is a minor or has died.
- "He Got CYA" brochure. This brochure explains the victim's rights and what will happen to the offender while under Youth Authority jurisdiction.
- "Authorization for Payment of Restitution" form if the court has ordered restitution paid by the ward to his or her victim. Ward and Victim Services Section fills in the "Amount of Restitution Ordered." The form is designed to allow the victim to request payments be made to himself, a listed victim services agency or anyone else he or she wishes to designate. The receiving victim completes the rest of the form and returns it to the Ward and Victim Services Section.
- "Offender Information Request" form. There are five different forms. Each form lists for the victim's selection only that ward information that the victim is entitled to by law based on the following factors: 1) the court of commitment, 2) commitment to state prison to be housed in a Youth Authority facility and, 3) the offense is included in Section 676 (a) of the Welfare and Institutions Code or Section 667.5 (c) of the Penal Code.

To compensate for what appears to have been victims' propensity to automatically select all "check off" items on the prior forms, the new forms list only "critical" items for check off selection. Other allowable information is explained on the back of each form but the victim must write in the additional request on the front of the form in the space for "other" information requested.

Also, each item of allowable ward information listed on each of the new Offender Information Request forms is coded for accurate transfer of the victim's request to the "Victim Request for Offender Information" form which is completed by the Ward and Victim Services Section and forwarded to the ward's institution or camp. The Victim Request for Offender Information form (see form under Tab 4) is the only document maintained at the ward's facility which specifies what information the facility is responsible for providing to the victim.

- Postage paid envelope pre-addressed to the Ward and Victim Services Section. This envelope is for the victim's use in returning the "Authorization for Payment of Restitution" form and/or the "Offender Information Request" form.

DEPARTMENT OF THE YOUTH AUTHORITY

Authorization for Payment of Restitution

Victim's Name and Mailing Address

Name: _____

c/o: _____

Address: _____

City/State/Zip: _____

Phone No. () --

INSTRUCTIONS

Complete the information indicated in the box to the left and fill in the offender's name & number below: Indicate your request by checking one of the boxes "[]" below. Return this completed form in the envelope provided.

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

Offender's Name: _____ YA #: _____
 (The offender's name and YA # is shown on the letter that accompanied this form)

Amount of Restitution Ordered: \$ _____
 (Completed by Youth Authority)

You may have payments forwarded to you at any address you wish or through a third party (for example, an attorney, employer, etc.) Your address and other information you may provide will be kept confidential by this office and will not be released to any unauthorized person. You may use the extra form to notify the Youth Authority of any change in address or change in your decision about requesting restitution.

If You Do Wish to Receive Restitution, check the box below, initial where indicated and return the form in the envelope provided. (Please Initial)

I do wish to receive restitution, please forward payments as indicated above _____

If You Do Not Wish to Receive Restitution, check the box below, initial where indicated and return the form in the envelope provided. (please initial)

I do not wish to receive restitution, please forward payments as indicated below _____

With your permission, the Youth Authority will direct the ward's restitution payments to the organization you indicate below (in your local area, if available.) Please select only one organization.

- | | |
|--|---|
| <input type="checkbox"/> Mothers Against Drunk Driving | <input type="checkbox"/> Friday Night Live |
| <input type="checkbox"/> Victim/Witness Assistance Center, Emergency Relief Fund | <input type="checkbox"/> National Organization for Victim Assistance |
| <input type="checkbox"/> Parents of Murdered Children | <input type="checkbox"/> Rape Treatment Center |
| <input type="checkbox"/> Loved Ones of Homicide Victims | <input type="checkbox"/> Battered Women Shelter |
| <input type="checkbox"/> Other (please specify below) _____ | <input type="checkbox"/> Child Abuse Treatment Center |
| | <input type="checkbox"/> State Board of Control; Reimbursement of Victim Loss |

Receipt for donation to above organization requested; forward to address shown above.

Please indicate below any special comments or instructions:

I understand that the Youth Authority's collection and forwarding of restitution payment is contingent upon the offender's ability to pay. Restitution payments will be made by check payable as indicated above.

Signature

Date

DEPARTMENT OF THE YOUTH AUTHORITY

Restitution Information

If the offender has been ordered by the court to pay restitution to you an amount will be indicated on the reverse side of this information sheet.

It is the California Youth Authority's philosophy that payment of restitution to the victim is an important part of holding an offender accountable for the harm he or she has done. Also, we believe payment of restitution may help change the offender's attitude about other people and their property. Each offender, as a condition of being assigned to a paying job while confined in a Youth Authority facility and as a condition of release on parole, is required to contribute a certain percentage of his earnings to his victim(s) if ordered to pay restitution by the committing court.

Some incarcerated offenders will not be able to make restitution payments because they do not have the opportunity (or are unwilling) to earn money. However, many others will earn money by working at an institutional job during their confinement. Institutional wages are usually minimal and, in some cases, restitution payments may be as small as \$5.00 per quarter. The Youth Authority believes that payment of restitution, even in small amounts, is an important part of offender rehabilitation.

If the full amount of the restitution ordered has not been paid prior to release, the offender will be required, as a condition of parole, to make reasonable payments to his victims after his release and he has gained employment.

If you wish to receive court ordered restitution payments while the offender is under Youth Authority jurisdiction (confined in an institution and after release on parole), please complete and return this form in the envelope provided. When and if the offender is able to make payments, checks will be forwarded to the address you indicate. Your request and address will be kept confidential. Also, you may designate a representative to receive your checks.

If you do not wish to receive court ordered restitution you may authorize the Youth Authority to direct the ward's payments to a worthy crime victim program or victim support group in your area. These organizations help victims deal with the immediate and long-range trauma of crime. Most victim support groups are in a constant struggle for funds necessary for continued operation. If you choose to redirect your restitution to a crime victim organization, please complete and return this form in the envelope provided. When and if the offender is able to make payments, checks will be forwarded to the organization you indicate. If you wish, a receipt for your donation will be forwarded to you each time the ward makes a payment.

If the court has ordered the offender to pay restitution to you, please complete the reverse side of this sheet.

NOTE: It is your responsibility to keep the Youth Authority informed of any change of address. An extra copy of this form is enclosed should you wish to notify the YA of a change in your address or requests.

DEPARTMENT OF THE YOUTH AUTHORITY

Offender Information Request

Commitment to Department of Corrections
(Ordered Housed in a Youth Authority Facility)

<p>Victim's Name and Mailing Address</p> <p>Name: _____</p> <p>c/o: _____</p> <p>Address: _____</p> <p>City/State/Zip: _____</p> <p>Phone No.: (____) _____ -- _____</p>	<p>INSTRUCTIONS</p> <p>Complete the information indicated in the box to the left and fill in the offender's name and number below. Indicate your request by checking one or more of the boxes "[]" below. Return the completed form in the envelope provided.</p> <p>SEE REVERSE SIDE FOR ADDITIONAL INFORMATION</p>
<p>NOTE: The offender's name must be entered here or the request cannot be honored.</p> <p>Offender's Name: _____ YA #: _____</p> <p>(The offender's name and YA # are shown on the letter that accompanied this form.)</p>	
<p>The above offender was committed to the Department of Corrections and ordered housed in a Youth Authority facility. Based on the Victim Bill of Rights laws and California confidentiality laws relative to the offender, you may receive any or all of the information listed below and on the reverse side of this form. Check the box(es) representing the information desired and return the form in the envelope provided. Check all that apply.</p>	
<p>Release From Secure Custody</p> <p><input type="checkbox"/> Please notify me of the earliest possible date the offender may be released on parole and, if any, subsequent changes in the scheduled release date^[10].</p> <p><input type="checkbox"/> Please notify me if the offender is to be considered for release from secure custody on furlough or to a community work release program^[11].</p>	
<p>Escape From Custody^[5&6]</p> <p><input type="checkbox"/> Please notify me as soon as possible, if the offender escapes from custody. (If you wish to be notified as soon as possible in the unlikely event that the offender escapes from custody, you should provide phone numbers where you or another contact person can be reached at any time. A telegram will be sent to the above address if telephone contact cannot be made. If you request this notice, you will also be advised of the offender's recapture.)</p>	
<p>Other, please specify: (See reverse side of this form for other allowable offender information.)</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>Signature: _____ Date: _____</p>	
<p>NOTE: It is your responsibility to keep the Youth Authority informed of any change of address. An extra copy of this form is enclosed should you wish to notify the YA of a change in your address or requests.</p>	

DEPARTMENT OF THE YOUTH AUTHORITY

Offender Information Request

Juvenile Court, Closed Hearing

Victim's Name and Mailing Address

Name: _____

c/o: _____

Address: _____

City/State/Zip: _____

Phone No.: (optional) _____

INSTRUCTIONS

Complete the information indicated in the box to the left and fill in the offender's name & number below: Indicate your request by checking one or more of the boxes "[]" below. Return the completed form in the envelope provided.

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

Offender's Name: _____ YA #: _____

(The offender's name and YA # are shown on the letter that accompanied this form)

The above offender was committed to the Youth Authority by a juvenile court in a hearing not open to the public. Based on the Victim Bill of Rights laws and California confidentiality laws relative to the offender, you may receive any or all of the information listed below. Check the box(es) representing the information desired and return the form in the envelope provided.

Please notify me of the following; check all that apply:

- The month and year of the offender's scheduled parole release hearing and, if any, subsequent changes in this date[1]. (The exact date and time of the hearing will not be known until approximately 8 to 15 days prior to the hearing.)
- I intend to appear before the Youthful Offender Parole Board at the time of the offender's parole consideration hearing[3]. I understand that the above offender will be made aware of the nature of my comments to the Board.
- Any time the offender escapes from custody[5&6]. (If you wish to be notified as soon as possible in the unlikely event that the offender escapes from custody, you should provide phone numbers where you or another contact person can be reached at any time. A telegram will be sent to the above address if telephone contact cannot be made. If you request this notice, you will also be advised of the offender's recapture.)

Signature: _____ Date: _____

NOTE: It is your responsibility to keep the Youth Authority informed of any change of address. An extra copy of this form is enclosed should you wish to notify the YA of a change in your address or requests.

DEPARTMENT OF THE YOUTH AUTHORITY

Allowable Offender Information

Juvenile Court, Closed Hearing

This offender was committed to the Youth Authority by a juvenile court in a hearing not open to the public. Based on the Victim Bill of Rights laws and California confidentiality laws relative to the offender, you may receive any or all of the information listed below.

You have a right to know the following:

- Any time, the offender ~~escapes~~ from custody^[5&6]. (Escape from Youth Authority custody is quite unlikely but does occasionally occur. If you request this notice, you will also be advised of the offender's recapture.)
- The date and approximate time of the hearing any time the offender is to be **considered** by the Youthful Offender Parole Board **for release** on parole or on furlough which may terminate in release on parole^[3]. (If the Board approves the offender's parole, release usually occurs on the same day of the hearing or within one or two days.)

Parole Board Hearings: You and/or your representative have the right to attend and express yourself at any Youthful Offender Parole Board hearing when release on parole or furlough may be considered. The purpose of the law giving you this right is to make the Board members who will make the decision about release aware of how your life has been affected by the crime committed against you. Board members will give great importance to your comments when making the decision whether to release. If you wish to attend a Board parole hearing, be sure to check the box (on the reverse side) indicating your request to be notified of the month and year the hearing is scheduled. After receiving the notice, you must contact the offender's facility within 20 days of the post mark on the letter informing you of the Board hearing month.

You may also send written, VHS video cassette or audio taped comments. You may do this at any time but materials should be received at the offender's facility by the last day of the month prior to the offender's scheduled parole hearing month. This method of expressing yourself to the Board will be viewed with the same importance as had you actually attended the hearing.

An Offender Information Request form is printed on the reverse side of this page. Check the box(es) representing the information desired and return the form in the envelope provided; **check all that apply**. NOTE: If you request any of the above information it is important to provide your telephone number in the box on the reverse side of this form. This will allow the YA to contact you quickly if a scheduled parole hearing date should change or if the offender escapes.

It is your responsibility to keep the Youth Authority informed of any change of address. An extra copy of this form is enclosed should you wish to notify the YA of a change in your address or requests.

DEPARTMENT OF THE YOUTH AUTHORITY

Allowable Offender Information

**Commitment to Department of Corrections
(Ordered Housed in a Youth Authority Facility)**

This offender was committed to the the Department of Corrections and ordered housed in a Youth Authority facility. Based on the Victim Bill of Rights laws and California confidentiality laws related to the offender, **you have a right to receive the following information:**

- The location of each **facility** where the offender is housed while in the custody of the Youth Authority or if he is transferred to a non-Youth Authority facility[9].
- If the offender will be **considered for day-pass eligibility** within .50 miles of your home[7]. (A day-pass for this offender would be **unusual**; however, it is technically permissible after he has completed at least 2/3 of his expected confinement time and has demonstrated a prolonged period of responsible behavior. The offender will not have permission to travel more than 25 miles from the releasing facility without special authorization. The purpose of the day-pass is usually to re-establish family communication and relationships before release of the offender on parole.)
- If the offender is to be **considered for release from custody on furlough**[4]. (A furlough is similar to a day-pass only for a longer period; usually a week or more. Sometimes a one to two day "emergency" furlough is granted to an offender to visit a dying parent or attend a funeral, if Youth Authority staff believe he will not try to escape.)
- Any time, the offender **escapes** from custody[5&6]. (Escape from Youth Authority custody is quite unlikely but does occasionally occur. If you request this notice, you will also be advised of the offender's recapture.)
- The offender's **earliest possible release date** on parole and any subsequent changes in the date[10]. (The earliest possible release date (EPRD) is determined shortly after the offender arrives at a Youth Authority facility and is based on the court ordered sentence less the maximum number of days that sentence must legally be reduced if the he earns the maximum credit for good behavior and program participation. The EPRD can change based on the offenders behavior.)
- If the offender is to be **considered for release** from Youth Authority custody to a Department of Corrections **community re-entry program**[11]. (A community re-entry program places the offender in a minimum custody facility from which he goes to work at a nearby job in the community. If eligible and approved, this type of placement takes place up to six months prior to the offender's earliest possible release date.)
- The **actual date** the above named offender is scheduled for **release** (or was released) from custody on furlough or parole[12].
- The **date and basis** for **discharge** of the offender from Youth Authority jurisdiction[14].

An Offender Information Request form is printed on the reverse side of this page. You may also request any additional information described above by listing it under "Other". Note: If you request escape notification, it is important that you provide your telephone number in the box on the reverse side of this form. It is your responsibility to keep the Youth Authority informed of any change of address. An extra copy of this form is enclosed should you wish to notify the YA of a change in your address or requests.

DEPARTMENT OF THE YOUTH AUTHORITY

Offender Information Request

Adult Court Youth Authority Commitment PC 667.5(c) Offender

Victim's Name and Mailing Address

Name: _____

c/o: _____

Address: _____

City/State/Zip: _____

Phone No.: (_____) _____ - _____

INSTRUCTIONS

Complete the information indicated in the box to the left and fill in the offender's name & number below. Indicate your request by checking one or more of the boxes "[]" below, or add additional requested information under "Other". Return the completed form in the envelope provided.

SEE REVERSE SIDE FOR
ADDITIONAL INFORMATION

NOTE: The offender's name must be entered here or the request cannot be honored.

Offender's Name: _____ YA #: _____

(The offender's name and YA # are shown on the letter that accompanied this form)

The above offender was committed to the Youth Authority by an Adult Court for a serious felony listed in Penal Code Section 667.5(c). Based on the Victim Bill of Rights laws and California confidentiality laws relative to the offender, you may receive any or all of the information listed below and on the reverse side of this form. Check the box(es) representing the information desired and return the form in the envelope provided. Check all that apply.

Parole or Furlough Consideration Hearings

Please advise me of the month and year of the offender's scheduled parole release hearing and, if any, subsequent changes in this date[1]. (The exact date and time of the hearing will not be known until approximately 8 to 15 days prior to the hearing.)

I intend to appear before the Youthful Offender Parole Board at the time of the offender's parole consideration hearing[3]. I understand that the above offender will be made aware of the nature of my comments to the Board.

Please advise me if the offender is scheduled for consideration of release on furlough[2].

I intend to appear before the Youthful Offender Parole Board if the offender is considered for release on furlough[4]. I understand that the above offender will be made aware of the nature of my comments to the Board.

Please notify me of the specific date the offender will be released on parole and, if approved, on furlough[12].

Community of Residence[13]

Please advise me of the offender's community of residence if to be released on parole or furlough within the same county where I reside or within 50 miles of my residence.

Escape From Custody[5&6] (See explanation on reverse side)

Please advise me as soon as possible if the offender escapes from custody. (If you wish to be notified as soon as possible in the unlikely event that the offender escapes from custody, you should provide phone numbers where you or another contact person can be reached at any time. A telegram will be sent to the above address if phone contact cannot be made. If you request this notice, you will also be advised of the offender's recapture.)

Other, please specify: (See reverse side of this form for other allowable offender information)

Signature: _____ Date: _____

NOTE: It is your responsibility to keep the Youth Authority informed of any change of address. An extra copy of this form is enclosed should you wish to notify the YA of a change in your address or requests.

DEPARTMENT OF THE YOUTH AUTHORITY

Allowable Offender Information

Adult Court Youth Authority Commitment PC 667.5(c) Offender

You have a right to receive the following information:

- Each **facility** where the offender is housed while in the custody of the Youth Authority or if he is transferred to a non-Youth Authority facility[9].
- Any time the offender is **considered for day-pass eligibility** within 50 miles of your home[7]. (A day-pass for this offender would be **unusual**, however, it is technically permissible after he has completed at least 2/3 of his expected confinement time and has demonstrated a prolonged period of responsible behavior. The offender will not have permission to travel more than 25 miles from the releasing facility without special authorization. The purpose of the day-pass is usually to re-establish family communication and relationships before release of the offender on parole.)
- Any time the offender is being **considered for release** from custody on **furlough**[2]. (A furlough is similar to a day-pass only for a longer period; usually a week or more. Sometimes a one to two day "emergency" furlough is granted to an offender to visit a dying parent or attend a funeral, if Youth Authority staff believe he will not try to escape.)
- The date(s) the offender is **scheduled for release** on furlough[12].
- Any time, the offender **escapes** from custody[5&6]. (Escape from Youth Authority custody is quite unlikely but does occasionally occur. If you request this notice, you will also be advised of the offender's recapture.)
- The offender's **parole consideration date**[1]. This is the month and year the Youthful Offender Parole Board sets as a "target" parole release date each time the Board reviews the offender's case.
- The date and approximate time of the hearing at any time the offender is to be **considered** by the Youthful Offender Parole Board **for release** on parole or on furlough which may terminate in release on parole[3]. (If the Board approves the offender's parole, release usually occurs on the same day of the hearing or within 1 to 2 days.)
- The **actual date** the above named offender is scheduled for **release** (or was released) from custody on furlough or parole[12].
- The location (community) of his or her residence if released on parole or furlough within the same county as your residence or within 50 miles of your residence[13].
- The **date** and **basis** for **discharge** of the offender from Youth Authority jurisdiction[14].

Parole Board Hearings: You and/or your representative have the right to attend and express yourself at any Youthful Offender Parole Board hearing when release on parole or furlough may be considered. The purpose of the law giving you this right, is to make the Board members who will make the decision about release aware of how your life has been affected by the crime committed against you. Board members will give great importance to your comments when making the decision whether to release. If you wish to attend a parole board hearing, be sure to check the box (on the reverse side) indicating your request to be notified of the month and year the hearing is scheduled. After receiving the notice, you must contact the offender's facility within 20 days of the post mark on the letter informing you of the Board month.

You may also send written, VHS video cassette or audio taped comments. You may do this at any time but materials should be received at the offender's facility by the last day of the month prior to the offender's scheduled parole hearing month. This method of expressing yourself to the Board will be viewed with the same importance as had you actually attended the hearing.

An Offender Information Request form is printed on the reverse side of this page. You may also request any additional information described above by listing it under "Other" on the reverse side of this form. Note: If you request parole hearing date or escape notification it is important that you provide your telephone number in the box on the reverse side of this form

DEPARTMENT OF THE YOUTH AUTHORITY

Offender Information Request

Commitment to Department of Corrections
(Ordered Housed in a Youth Authority Facility)
PC 667.5(c) Offender

Victim's Name and Mailing Address	INSTRUCTIONS
Name: _____	Complete the information indicated in the box to the left and fill in the offender's name and number below. Indicate your request by checking one or more of the boxes "[]" Return the completed form in the envelope provided.
c/o: _____	
Address: _____	
City/State/Zip: _____	
Phone No.: () _____	SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

NOTE: The offender's name must be entered here or the request cannot be honored.

Offender's Name: _____ YA #: _____

(The offender's name and YA # are shown on the letter that accompanied this form.)

The above offender was committed to the Department of Corrections for a violent felony listed in Penal Code Section 667.5(c) and ordered housed in a Youth Authority facility. Based on the Victim Bill of Rights laws and California confidentiality laws relative to the offender, you may receive any or all of the information listed below and on the reverse side of this form. Check the box(es) representing the information desired and return the form in the envelope provided. **Check all that apply.**

Release From Secure Custody

- Please notify me of the earliest possible date the offender may be released on parole and, if any, subsequent changes in the scheduled release date [10].
- Please notify me if the offender is to be considered for release from secure custody on furlough or to a community work release program [11].
- Please notify me of the specific date of any planned release on parole, furlough or community work release program [12].

Community of Residence [13]

- Please notify me of the offender's community of residence if within the same county where I reside or within 50 miles of my residence.

Escape From Custody [5&6]

- Please notify me as soon as possible, if the offender escapes from custody. (If you wish to be notified as soon as possible in the unlikely event that the offender escapes from custody, you should provide phone numbers where you or another contact person can be reached at any time. A telegram will be sent to the above address if telephone contact cannot be made. If you request this notice, you will also be advised of the offender's recapture.)

Other, please specify: (See reverse side of this form for other allowable offender information.)

Signature: _____ Date: _____

NOTE: It is your responsibility to keep the Youth Authority informed of any change of address. An extra copy of this form is enclosed should you wish to notify the YA of a change in your address or requests.

DEPARTMENT OF THE YOUTH AUTHORITY

Allowable Offender Information

**Commitment to Department of Corrections
(Ordered Housed in a Youth Authority Facility)
PC 667.5(c) Offender**

This offender was committed to the the Department of Corrections for a violent felony and ordered housed in a Youth Authority facility. Based on the Victim Bill of Rights laws and California confidentiality laws related to the offender, **you have a right to receive the following information:**

- Any time, the offender **escapes** from custody[5&6]. (Escape from Youth Authority custody is quite unlikely but does occasionally occur. If you request this notice, you will also be advised of the offender's recapture.)
- Emergency furlough or other unexpected release[8]. Sometimes a one to two day "emergency" furlough is granted to an offender to visit a dying parent or attend a funeral, if Youth Authority staff believe he will not try to escape.)
- The location of each **facility** where the offender is housed while in the custody of the Youth Authority or if he is transferred to a non-Youth Authority facility[9].
- The offender's **earliest possible release** date on parole and any subsequent changes in the date[10]. (The earliest possible release date (EPRD) is determined shortly after the offender arrives at a Youth Authority facility and is based on the court ordered sentence less the maximum number of days that sentence must legally be reduced if the he earns the maximum credit for good behavior and program participation. The EPRD can change based on the offenders behavior.)
- If the offender will be **considered for release** from Youth Authority custody to a Department of Corrections **community re-entry program**[11]. (A community re-entry program places the offender in a minimum custody facility from which he goes to work at a nearby job in the community. If eligible and approved, this type of placement takes place up to six months prior to the offender's earliest possible release date.)
- The actual date the offender will be **released** from custody on parole or to a pre-release community work furlough program[12].
- The location (community) of the offender's residence after release if within the same county as your residence or within 50 miles of your residence[13]. (The actual date of release is not known with any degree of certainty until approximately 60 days prior to release.)
- The **date** and **basis** for **discharge** of the offender from Youth Authority jurisdiction[14].

An Offender Information Request form is printed on the reverse side of this page. You may also request any additional information described above by listing it under "Other". **Note: If you request escape notification it is important that you provide your telephone number in the box on the reverse side of this form.**

It is your responsibility to keep the Youth Authority informed of any change of address. An extra copy of this form is enclosed should you wish to notify the YA of a change in your address or requests.

DEPARTMENT OF THE YOUTH AUTHORITY

Offender Information Request

Youth Authority Commitment
Juvenile WIC 676 or Adult Court

Victim's Name and Mailing Address

Name: _____
c/o: _____
Address: _____
City/State/Zip: _____
Phone No.: (____) _____ - _____

INSTRUCTIONS

Complete the information indicated in the box to the left and fill in the offender's name & number below. Indicate your request by checking one or more of the boxes "[]" below, or add additional requested information under "Other". Return the completed form in the envelope provided.

SEE REVERSE SIDE FOR
ADDITIONAL INFORMATION

NOTE: The offender's name must be entered here or the request cannot be honored.

Offender's Name: _____ YA #: _____

(The offender's name and YA # are shown on the letter that accompanied this form)

The above offender was committed to the Youth Authority by an Adult Court or a juvenile court in a hearing open to the public. Based on the Victim Bill of Rights laws and California confidentiality laws relative to the offender, you may receive any or all of the information listed below and on the reverse side of this form. Check the box(es) representing the information desired and return the form in the envelope provided. Check all that apply.

Parole or Furlough Consideration Hearings

- Please advise me of the month and year of the offender's scheduled parole release hearing and, if any, subsequent changes in this date[1]. (The exact date and time of the hearing will not be known until approximately 8 to 15 days prior to the hearing.)
- I intend to appear before the Youthful Offender Parole Board at the time of the offender's parole consideration hearing. I understand that the above offender will be made aware of the nature of my comments to the Board[3].
- Please advise me if the offender is scheduled for consideration of release on furlough[2].
- I intend to appear before the Youthful Offender Parole Board if the offender is considered for release on furlough[4]. I understand that the above offender will be made aware of the nature of my comments to the Board.

Escape From Custody[5&6] (See explanation on reverse side)

- Please advise me as soon as possible if the offender escapes from custody. (If you wish to be notified as soon as possible in the unlikely event that the offender escapes from custody, you should provide phone numbers where you or another contact person can be reached at any time. A telegram will be sent to the above address if telephone contact cannot be made. If you request this notice, you will also be advised of the offender's recapture.)

Other; please specify: (See reverse side of this form for other allowable offender information) _____

Signature: _____ Date: _____

NOTE: It is your responsibility to keep the Youth Authority informed of any change of address. An extra copy of this form is enclosed should you wish to notify the YA of a change in your address or requests.

DEPARTMENT OF THE YOUTH AUTHORITY

Allowable Offender Information

Youth Authority Commitment
Juvenile WIC 676 or Adult Court

You have a right to receive the following information:

- Each **facility** where the offender is housed while in the custody of the Youth Authority or if he is transferred to a non-Youth Authority facility[9].
- Any time the offender is **considered for day-pass eligibility** within 50 miles of your home[7]. (A day-pass for this offender would be **unusual**, however, it is technically permissible after he has completed at least 2/3 of his expected confinement time and has demonstrated a prolonged period of responsible behavior. The offender will not have permission to travel more than 25 miles from the releasing facility without special authorization. The purpose of the day-pass is usually to re-establish family communication and relationships before release of the offender on parole.)
- Any time the offender is being **considered for release from custody on furlough**[2]. (A furlough is similar to a day-pass only for a longer period; usually a week or more. Sometimes a one to two day "emergency" furlough is granted to an offender to visit a dying parent or attend a funeral, if Youth Authority staff believe he will not try to escape.)
- Any time, the offender **escapes** from custody[5&6]. (Escape from Youth Authority custody is quite unlikely but does occasionally occur. If you request this notice, you will also be advised of the offender's recapture.)
- The offender's **parole consideration date**[1]. This is the month and year the Youthful Offender Parole Board sets as a "target" parole release date each time the Board reviews the offender's case.
- The date and approximate time of the hearing at any time the offender is to be **considered** by the Youthful Offender Parole Board **for release** on parole or on furlough which may terminate in release on parole[3]. (If the Board approves the offender's parole, release usually occurs on the same day of the hearing or within 1 to 2 days.)
- The **actual date** the above named offender is scheduled for **release** (or was released) from custody on furlough or parole[12].
- The location (community) of his or her residence if released on parole or furlough within the same county as your residence or within 50 miles of your residence[13].
- The **date and basis for discharge** of the offender from Youth Authority jurisdiction[14].

Parole Board Hearings: You and/or your representative have the right to attend and express yourself at any Youthful Offender Parole Board hearing when release on parole or furlough may be considered. The purpose of the law giving you this right, is to make the Board members who will make the decision about release aware of how your life has been affected by the crime committed against you. Board members will give great importance to your comments when making the decision whether to release. If you wish to attend a parole board hearing, be sure to check the box (on the reverse side) indicating your request to be notified of the month and year the hearing is scheduled. After receiving the notice, you must contact the offender's facility within 20 days of the post mark on the letter informing you of the Board month.

You may also send written, VHS video cassette or audio taped comments. You may do this at any time but materials should be received at the offender's facility by the last day of the month prior to the offender's scheduled parole hearing month. This method of expressing yourself to the Board will be viewed with the same important as had you actually attended the hearing.

An Offender Information Request form is printed on the reverse side of this page. You may also request any additional information described above by listing it under "Other" on the reverse side of this form. Note: If you request parole hearing date or escape notification it is important that you provide your telephone number in the box on the reverse side of this form

WARD AND VICTIM SERVICES FORMS

- VICTIM INFORMATION; (Form WVS1): The form is completed or partially completed by Intake and Court Services consultants to record ward and victim information during intake file review. If there is necessary victim information missing, the Case Services office technician prints a requests the information on the acceptance letter to the court. The slip is then forwarded to Ward and Victim Services; available victim information is entered into the restitution/notification data base and the form filed for future reference.
- Memorandum to Superintendent and Casework Services Supervisor, subject; Victim Request For Offender Information: This is a standard form memo used as a transmittal for Form WVS2, Victim Request for Offender Information. This transmittal memorandum may be discarded once the attached Form WVS2 is filed.
- VICTIM REQUEST for OFFENDER INFORMATION; (Form WVS2): The items listed on this form are coded to correctly correspond to the "allowable ward information" items on the "Offender Information Request" forms completed and forwarded by victims to the Ward and Victim Services Section. The "Victim Request for Offender Information" form is completed by the Ward and Victim Services Section indicating the specific allowable ward information requested by the victim and forwarded to the ward's facility. The form also indicates the time limits for responding to the victim's request. Institution and camp procedures must provide for assuring timely notification of the victim regarding the requested information indicated on the form. A copy of each completed form received from Ward and Victim Services must be maintained in the manila envelope on the bottom left side of the ward's field file.
- VICTIM REQUEST for PAYMENT OF RESTITUTION; Form WVS3: This form is a standard format memorandum to the superintendent, casework services supervisor and accounting supervisor, subject; Victim Request for Payment of Restitution. The memo will the ward's name and YA number, the victims name, amount of restitution ordered by the court, and the name of the person to whom the victim designated as payee. When a victim assistance agency in the victim's local area is to be the payee, it is the institution or camp's responsibility to identify the appropriate organization and forward the restitution check directly, i.e., not through Ward and Victim Services.

Memorandum

Sample Victim Notification Request Cover Memo

From Ward and Victim Services

Date : January 2, 1992

To : Casework Services Supervisor

From : Institutions and Camps Branch

Subject : **Victim Request for Offender Information**

Please provide the ward information indicated on the attached form. Forward a letter to the victim in a "mail ready envelope" to the Ward and Victim Services Section within the time frames shown.

Maintain the attached form in the confidential victim information envelope on the bottom left side of the ward's field file.

Please call me at (ATSS) 466-4860 or (916) 427-4860 if you have any questions.

Gwen Robinson
Victim Notification Coordinator

Attachment

Note: The attached form will be used for all victim requests for notice information regardless of court of commitment, offense, etc.

Memorandum

Sample Restitution Memo

Form WVS3
FROM WARD AND VICTIM SERVICES

Date : January 1, 1992

To : Casework Services Supervisor

From : Institutions & Camps Branch

Subject : Victim Request for Payment of Restitution

Ward: John Jones, YA No. 12345

Victim: Janet Smith

Amount: \$495.00

The above named ward has been ordered by the committing court to pay restitution to the named victim in the amount shown. The victim has requested that restitution checks be made payable to:

Victim Named Above

Other: Santa Monica Rape Treatment Center.
(Name of Payee if other than victim named above)

Casework Services Supervisor: Notify appropriate counselor and casework personnel. Forward a copy of this memo to the facility accounting personnel responsible for handling restitution payments to victims.

Accounting Section: Initiate victim restitution payment procedures as specified in I&C Manual Sections 5875 and 5876. Follow procedures described in Section 1450-1460 for collection, posting and issuing restitution payment checks.

Forward checks to:

Ward and Victim Services Section

Directly to Payee Named Above

Please call me at (ATSS) 466-4860 or (916) 427-4860 if you have any questions.

Gwen Robinson
Victim Restitution Coordinator

VICTIM NOTIFICATION
NOTICE LETTER FORMATS

The formats shown on the following pages are to be used when corresponding with victims in response to requests for offender information. Please note the following:

- Format wording should be modified as appropriate to fit circumstances.
- Format # 2 letters must always include the notice statement that "information presented to the YOPB must also be available to the ward."
- Use institutional or camp letterhead stationary; be sure appropriate addresses and telephone numbers are included in the letterhead or body of the message.
- The letter must be signed by either the facility superintendent, casework services supervisor or assigned Victim Services Coordinator.
- Forward the completed and signed letter to the Ward and Victim Services Section in a mail ready envelope with the institution or camp return address.
- The letter must be received by the Ward and Victim Services Section within the time limits set forth in I&C Manual Section 5850.
- If the letter cannot be forwarded in time to meet required time limits, call Ward and Victim Services at (916) 427-4860 or (ATSS) 466-4860 for the address and mail the letter directly to the victim.
- If the notice letter cannot be forwarded by U.S. mail to the victim in time to meet required time limits, forward the requested information by telephone and/or telegraph.
- If the Ward and Victim Services Section is not available, victim addresses can be obtained by calling the NCYC - CLETS operator at (209) 944-6104.

9 [] **Transfer** to another Youth Authority facility or, non-Youth Authority facility while continuing under Youth Authority jurisdiction. Written Notice: a) of a ward's transfer to another YA facility must be received by the Ward and Victim Services Section from the receiving facility within 6 calendar days following the transfer; b) of a ward's transfer to a non-YA facility must be received by the Ward and Victim Services Section from the sending facility within 6 calendar days following the transfer.

____ Date Initial ; ____ Date Initial ; ____ Date Initial ; ____ Date Initial

10 [] **Earliest possible release date (EPRD)**: Written Notice of the ward's EPRD must be received by the Ward and Victim Services Section within 31 days of receipt of this request (but not less than 31 days prior to actual release), and again approximately 30 days prior to actual release.

____ Date Initial ; ____ Date Initial ; ____ Date Initial ; ____ Date Initial

11 [] **Screening for release OF "M" case to a re-entry or work furlough program**: Written Notice of planning for possible release must be sent to the Ward and Victim Services Section at the same time as the screening study is sent to the Parole Branch and no less than sixty (61) days prior to the actual placement. (See also, Penal Code Section 11155 (d) regarding this requirement and Section 11155 (a) regarding notice to Chief of Police of city and Sheriff of county where offender will be placed.)

____ Date Initial ; ____ Date Initial ; ____ Date Initial ; ____ Date Initial

12 [] **Scheduled date of release on furlough or parole**: Written Notice must be received by the Ward and Victim Services Section at least 20 days prior to the date of expected release. If the expected or actual release date changes, i.e., is postponed, notification of the change must be received by the Ward and Victim Services Section within one day of the change.

____ Date Initial ; ____ Date Initial ; ____ Date Initial ; ____ Date Initial

13 [] **Residence community** of ward to be released on parole or furlough, if; a) in the county of residence of the victim or family member of the victim or, b) within 50 miles of the actual residence of the victim or family member of the victim: Written Notice must be received by the Ward and Victim Services Section at least 20 days prior to the date of expected release. If the expected or actual release date changes, i.e., is postponed, notification of the change must be mailed to the Ward and Victim Services Section within 1 day of the change. (Contact Ward and Victim Services Section to determine if "county of residence" or "50 mile" criteria apply.)

____ Date Initial ; ____ Date Initial ; ____ Date Initial ; ____ Date Initial

14 [] **Date and reasons for discharge** from Youth Authority jurisdiction: Written Notice must be received by the Ward and Victim Services Section within 10 calendar days following the YOPB or Board of Prison Terms action.

____ Date Initial

[] Other: _____

____ Date Initial ; ____ Date Initial ; ____ Date Initial ; ____ Date Initial

[] Other: _____

____ Date Initial ; ____ Date Initial ; ____ Date Initial ; ____ Date Initial

[] Other: _____

____ Date Initial ; ____ Date Initial ; ____ Date Initial ; ____ Date Initial

This form must be maintained in a confidential 9" x 12" manila envelope on the bottom left side of the ward's field file.

[] See reverse side for additional requests for offender information

VICTIM REQUEST for OFFENDER INFORMATION

WARD NAME: _____ Y.A. No. _____ <input type="checkbox"/> Juvenile Court <input type="checkbox"/> Adult Court <input type="checkbox"/> WIC 676(a) <input type="checkbox"/> PC 667.5(c)	Note: This form will be used for all victim requests for notice information regardless of committing court, offense, etc.
VICTIM NAME: _____ Forward the information checked ("X") below to the victim named above. Initial & date when the information is forwarded.	

1 **Parole consideration date (PCD):** Written Notice indicating the month in which the YOPB hearing will be held must be received by the Ward and Victim Services Section within 10 days of receipt of this request and no less than 31 days prior to the 1st day of the PCD month and, subsequently, within 10 days of any Board action changing the PCD date. The notification letter shall instruct the victim to contact the facility no later than 20 days before the 1st day of the PCD month if he or she wishes to attend the hearing. The notification letter shall also instruct the victim that, to assure timely review, written, audio or video comments to the Board must be received by the facility within 20 days of the 1st day of the PCD month.

_____ ; _____ ; _____ ; _____
 Date Initial Date Initial Date Initial Date Initial

2 **Consideration for release on furlough.** Written Notice indicating the month in which the YOPB hearing will be held must be received by the Ward and Victim Services Section at least 31 days prior to the furlough hearing. The notification letter shall instruct the victim to contact the facility no later than 20 days from the post mark date of the notice letter if he or she wishes to attend the hearing. The notification letter shall also instruct the victim that, to assure timely review, written, audio or video comments to the Board must be received by the facility within 20 days of the notice letter post mark date.

_____ ; _____ ; _____ ; _____
 Date Initial Date Initial Date Initial Date Initial

3 **Scheduled date of parole consideration hearing** and/or; Written Notice must be received by the Ward and
 4 **Scheduled date of furlough consideration hearing:** _____ Victim Services Section at least 15 calendar days prior to the hearing or, notification by telegram or telephone may be made at least 8 days prior to the hearing.

_____ ; _____ ; _____ ; _____
 Date Initial Date Initial Date Initial Date Initial

5 **Escape** from the custody of the Youth Authority (including from day pass or furlough) or other correctional confinement while under the jurisdiction of the Youth Authority. Notice of escape shall be made by telephone or telegram to the Ward and Victim Services Section as soon as possible, but no later than 2 hours following the escape. If the WVS is closed, contact NCYC CLETS for the victim's address or phone no. & notify the victim directly.

_____ ; _____ ; _____ ; _____
 Date Initial Date Initial Date Initial Date Initial

6 **Recapture** and placement in the secure custody of any law enforcement agency: Written Notice shall be made to the Ward and Victim Services Section as soon as possible but no longer than 30 days after the Department is notified of the recapture.

_____ ; _____ ; _____ ; _____
 Date Initial Date Initial Date Initial Date Initial

7 **Day pass consideration** (if facility is within 50 miles of victim's residence): Written Notice must be received by the Ward and Victim Services Section at least 31 days prior to consideration of a ward's eligibility for day pass. The notification letter shall also instruct the victim that, to assure timely review, written comments to the Superintendent must be received by the facility within 20 days of the notice letter post mark date. (Contact Ward and Victim Services Section to determine if "50 mile" criteria applies.)

_____ ; _____ ; _____ ; _____
 Date Initial Date Initial Date Initial Date Initial

8 **Emergency furlough or other unexpected release.** Notice shall be made by telephone to the Ward and Victim Services Section, as soon as possible, but no later than 2 hours following an unexpected release or an escape. If the WVS is closed, contact NCYC CLETS for the victim's address or phone no. & notify the victim directly.

_____ ; _____ ; _____ ; _____
 Date Initial Date Initial Date Initial Date Initial

This form must be maintained in a confidential 9"x12" envelope on the bottom left side of ward's field file.

See reverse side for additional requests for offender information

Rev: 5/10/92

VICTIM NOTIFICATION LETTER
(Format #1)

Instructions: Use institutional or camp letter head stationary and this format to provide the following ward information requested by victims:

- Parole Consideration Date or Earliest Possible Release Date [1], [10].
- Board hearing re: release on parole or furlough [2], [3], [4].
- Escapee recapture [6].
- Transfer to another facility [9];
- Date of release or scheduled release [10], [12];
- Screening for possible release to community work release program [11].
- Date and reason for discharge from Youth Authority jurisdiction [14].

Forward to the Ward and Victim Services Section in a ready to mail envelope (with the institutional or camp return address) within the time limits specified on form WVS 2, "Victim Request for Offender Information".

(Institution or Camp Letterhead)

(date)

(Victim or Next of Kin Name)
(address)

Re: (Ward's name and YA number)

Dear (victim or next of kin name):

In response to your request we are informing you that the above named offender('s)...(use and/or modify the following as appropriate)...

[6]...has been recaptured after his/her escape on (date of escape) and has been returned to secure custody. The Department hopes this information will be of comfort to you.

[9]...has been transferred to (name and address of receiving facility if known).

[1] [10]...present earliest possible date of release from custody has been (set at /changed to) (date of PCD or EPRD).

[12]...(was/will be) released on (parole/furlough) on (date of release/scheduled release). [13]The offender's (residence/work release placement) community (is/will be) (name of town, city, etc.).

...will be released on day pass, to the custody of a responsible adult, on (date of scheduled day pass) from (hour day pass is scheduled to begin) to (hour day pass is scheduled to end).

[11]...will be screened for eligibility and possible placement in a Department of Corrections re-entry or community work release program. A re-entry or community work release program places the offender in a minimum custody facility from which he goes to work at a nearby job in the community. If eligible and approved, this type of placement takes place up to six months prior to the offender's earliest possible release date. If you wish to express yourself regarding this offender and (his/her) possible placement in such a program, please feel free to write to me at the above address. To assure timely consideration of your views, your letter should be received within 20 days of the post mark of this letter.

[14]...was discharged from Youth Authority jurisdiction on (date of Youthful Offender Parole Board or Board of Prison Terms action) for the following reasons: (Summarize the reasons listed on the Board's order.)

If you have any questions about this notice or other rights you may have as a victim of the above named offender, please write or call (name of the person) at the address or phone number indicated above. You may also call your local county Victim/Witness Assistance Center or, the McGeorge School of Law Crime Victims Research Center toll free at 1-800-VICTIMS.

Sincerely,

(Superintendent or
Victim Services Coordinator)

VICTIM NOTIFICATION LETTER
(Format #2)

Instructions: Use institutional or camp letter head stationary and this format to provide the following ward information requested by victims:

- Scheduled Board hearing where release on parole or furlough may be considered [1], [2];
- Superintendent consideration of ward's eligibility for day pass [7].

Forward to the Ward and Victim Services Section in a ready to mail envelope (with the institutional or camp return address) within the time limits specified on form WVS 2, "Victim Request for Offender Information".

(Institution or Camp Letterhead)

(date)

(Victim or next of kin name)

(Address)

Re: (Ward's name and YA number)

Dear (victim's name):

In response to your request , we are informing you that the above named offender will...

[1] [2]...appear before the Youthful Offender Parole Board at the above address on or after (1st day of month of scheduled Board date). At that time (he/she) will be considered for release on (parole/furlough). [13] If (parole/furlough) is approved, the offender's (residence/work release placement) community (is/will be) (name of town, city, etc.).

If you and/or your representative wish to make a verbal presentation to the Board, please contact (the name of the person) at the above address or telephone no later than 20 days prior to the 1st day of the parole hearing month, to make the necessary arrangements and to be advised of the anticipated date and time of the Board meeting.

[7]...be considered for day pass eligibility on or after (date; 31 days after expected receipt by Ward and Victim Services Section).

If you would like to make a written statement to the (Superintendent/Board) regarding this action, it must be received no later than 20 days from the post mark of this letter (for Superintendent) prior to the 1st day of the parole hearing month (for Board hearing) . Submit your written statement to the above address, attention: (name of person responsible for including the victim's statement in the materials presented to the Board).

[YOPB Hearings] **NOTICE:** The law requires that a summary of the information presented at the Board hearing (verbally or in writing) be made available to the offender.

If you have any questions about this notice or other rights you may have as a victim of the above named offender, please write or call (name of the person) at the address or phone number indicated above. You may also call your local county Victim/Witness Assistance Center or, the McGeorge School of Law Crime Victims Research Center toll free at 1-800-VICTIMS.

Sincerely,

(Superintendent or
Victim Services Coordinator)

DEPARTMENT OF THE YOUTH AUTHORITY
O.H. Close School

P.O. Box 2138881, Stockton, CA. 95213-9881, Phone: 289-944



Sample Victim Notification Letter Format # 1

November 1, 1991

Janet Smith
12345 Street Ave.
Anywhere, CA 99551

Re: Jones, John YA # 12345

Dear Mrs. Smith:

In response to your request, we are informing you that the above named offender will be released on parole on December 5, 1991. The offender's residence community will be Sacramento, California.

If you have any questions about this notice or other rights you may have as a victim of the above named offender, please write or call me at the address or phone number indicated above. You may also call your local county Victim/Witness Assistance Center or, the McGeorge School of Law Crime Victims Research Center toll free at 1-800-VICTIMS.

Sincerely,

Thomas H. Good
Victim Services Coordinator

DEPARTMENT OF THE YOUTH AUTHORITY
O.H. Close School

P.O. Box 2138881, Stockton, CA. 95213-9881, Phone: 209-444-4444



Sample Victim Notification Letter Format # 2

January 1, 1992

Evelyn Smith
123 Maple Street.
Sacramento, CA 95823

Re: **Jones, John** YA # 12345

Dear **Mrs. Smith**:

In response to your request, we are informing you that the above named offender will appear before the Youthful Offender Parole Board at the above address on or after **February 5, 1992**. At that time **he** will be considered for release on **parole**. If parole is approved, the offender's **residence** community will be **Sacramento, CA**.

If you and/or your representative wish to make a verbal presentation to the Board, please contact **me** at the above address or telephone no later than 20 days from the post mark date of this letter, to make the necessary arrangements and to be advised of the anticipated date and time of the Board meeting.

If you would like to make a written statement to the **Board** regarding this action, it must be received no later 20 days from the post mark date of this letter. Submit your written statement to the above address, attention: **Thomas H. Good**.

NOTICE: The law requires that a summary of the information presented at the Board hearing (verbally or in writing) be made available to the offender.

If you have any questions about this notice or other rights you may have as a victim of the above named offender, please write or call **me** at the address or phone number indicated above. You may also call your local county Victim/Witness Assistance Center or, the McGeorge School of Law Crime Victims Research Center to free at 1-800-VICTIMS.

Sincerely,

Thomas H. Good
Victim Services Coordinator

Department of the Youth Authority
Victim Services
SUMMARY OF PERTINENT LAWS

A number of additional code sections are also related and could be listed, however, they are encompassed the in following sections.

VICTIM NOTIFICATION

WIC 676

Juvenile court hearings are public when minor is accused of an offense listed in this section (see code section for long list of offenses) unless ordered closed by the court.

WIC 1764

All wards committed by an adult court: Upon request, the YA shall disclose to any member of the public the name, age, court of commitment, commitment offense and date, location of confinement, physical description of escapee and circumstances of escape, Board actions related to parole, date of release to reentry work furlough or parole, date and reason for discharge.

WIC 1764.1

Wards committed by a juvenile court for a WIC 676 offense: The YA may release the information in WIC 1764 to any member of the public.

WIC 1764.2

- (a) Upon request, the information in WIC 1764 shall be released to the victim of a WIC 676 offense.
- (b) The YA shall notify WIC 676 victims or their right to receive information listed under WIC Sections 1764 and 1767 if the victim's name and address are provided by the court or probation department. (Note: Even though victims have the right to attend all Board hearings where parole may be considered they will not be advised of their right to attend initial and annual review hearings unless staff have recommended release on parole. The justification for this policy is that without a staff recommendation, parole plans will not have been prepared and the Board will not order release. Victim will be notified of their right to be notified of any hearing where release on parole may be ordered.)

WIC 1764.3

- (a) If requested, the victim, victim's family members or witness of a ward committed to the YA by a criminal court (including "M" cases) for a **violent offense**, as defined under PC 667.5(c), are entitled to notification of the date of expected release on parole and, location of the residence community if in the same county where the victim or witness resides or is within 25 miles of the victim's or witness' residence.

For "M" cases*, if requested, notification must be given to persons listed above within 15 days of the ward's release.

- (b) Persons requesting notification must keep the YA advised of his or her current address.
- (c) For YA commitments, if requested, persons described in (a) above must be notified within 10 days prior to release.

WIC 1767

Upon request, the victim of a YA commitment has a right to 30 days notice of any Board hearing where release on parole will be considered...and...to appear in person or represented by counsel to express views which must be considered by the Board. (Note: The language of this section makes initial and annual Board hearings subject to victim notification, if requested. See "Note" under WIC 1764.2 above. The language also does not limit the right to attend parole hearings to victims of "commitment" offenses, i.e., victims of "prior offenses" may also have the same rights as the commitment offense victim.)

PC 679.2 (5)

(The same for Adult court commitments as for juveniles under WIC 1767 above)

PC 11155

- (a) At least 60 days prior to placement of an "M" case in a reentry or work furlough program, send written notice, if requested, to the chief of police and sheriff of the city/county of placement, and the victim. The notice shall be confidential and not made known to the ward.
- (b) As soon as possible after an escape, notify the chief of police and sheriff of the city/county of the ward's residence immediately prior to conviction, and the victim, if requested. Notify of recapture within 30 days. (Note: This subsection does not specifically apply to YA but is consistent with Institutions and Camps Branch policy for all escapees.)
- (c) (d) Send notice to the victim's last known address by return-receipt mail. Make "diligent, good faith" effort to learn new address if last known address is not current.

VICTIM RESTITUTION

WIC 731.1

- (a) The court shall order a **minor committed** to the Youth Authority to pay restitution to the victim.
- (b) Enforceable as a money judgment.

GC 13967

- (a) The court shall order a **person convicted** of a crime to pay a restitution fine.
- (c) In lieu of the restitution fine, the court shall order restitution to the victim, enforceable as a civil judgment.

PC 1214 (a) & (b)

Restitution orders for adult offenders are enforceable as money judgments generally.

WIC 1752.82

The Director may deduct up to 20% of an **adult or minor's wages** for payment of court ordered restitution. The committing court shall be provided a record of any such payments. (Note: Policy requires this to be done when the ward is discharged by the facility or parole office submitting the case to the Board.)

WIC 1766.1

The YOPB **shall require** an adult or minor to pay full restitution as a condition of parole.

Code of Civil Procedure, Section 683.120

Money judgements are enforceable for up to 10 years and can be renewed thereafter.

* An "M case" is an offender committed to the Department of Corrections and ordered by the court to be housed in a Youth Authority facility.

SECTION B

VICTIM AND WITNESS NOTIFICATION PROGRAMS

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VICTIM AND WITNESS NOTIFICATION PROGRAMS

Introduction

A 1986 national study conducted by the South Carolina Department of Corrections found that 26 adult corrections agencies provided notification to crime victims about changes in offenders' status, such as release, furloughs or escapes. At that time, only five corrections agencies employed at least one full-time person to handle such notifications and respond to victims' questions and complaints.

The past five years have witnessed a substantial increase in corrections and parole-based notification programs for victims and witnesses. In 1991, 31 adult corrections agencies notified victims of changes in offenders' status; seven juvenile corrections agencies and 29 parole agencies provide notification services.

The various agencies qualify persons as "victims" and "witnesses" for the purposes of notification in a variety of ways. For example, the Massachusetts Parole Board has a Criminal History Systems Board, which certifies and handles all victims and notifies the Parole Board of victim requests for notification. In Illinois, the state's statutory definition of "victim" qualifies persons for notification from the Department of Corrections Juvenile Division. Other methods of qualifying victims and witnesses for notification include information or inquiries from:

- Victims and witnesses;
- Clerk of the district court;
- Parole commissions or boards;
- Prosecutors' or county attorneys' offices;
- Victim/witness advocates in prosecutors' offices;
- State Attorneys General offices;
- Police reports; and/or
- Courts.

In Kansas, state law mandates that victims of certain types of crime be automatically enrolled in the Department of Correction's victim notification program.

The following charts illustrate data derived from the "National Survey of Adult and Juvenile Corrections Agencies and Parole Agencies" conducted in conjunction with this project in 1991.

Only a handful of states qualify persons as "victims" if there is no criminal conviction in their cases:

	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Qualify Victims Without Conviction :	7	3	4
Don't Qualify Victims Without Conviction	23	4	25

A substantial number of agencies requires that all victims and witnesses be notified of changes in offenders' status. Several notify only some victims, and only three agencies notify witnesses to crimes:

WHO IS NOTIFIED?			
	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
All Victims	15	22	4
Only Some Victims	7	1	5
All Witnesses	0	0	2
Only Some Witnesses	1	0	0

Survey respondents were asked to identify which broad categories of victims or their families are required to be notified of changes in offenders' status:

VICTIM NOTIFICATION REQUIRED FOR:			
	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Violent Crime Victims	7	3	5
Sex Crime Victims	6	3	5
Property Crime Victims	2	1	3
Vehicular Homicide Victims	5	2	5
Other Victims	4	1	0

Of the 127 adult and juvenile corrections and parole agencies surveyed, 21 are required by law to notify victims of changes in offenders' status. Nine agencies notify victims in accordance with agency policy, while the notification programs in 37 agencies are governed by **both** state law and agency policy.

Nineteen adult correctional agencies and seven juvenile correctional agencies require crime victims to initiate the request to enroll in their notification programs, and provide agency staff with their current address. Such notification requests are accepted in various forms by different agencies:

REQUIREMENTS FOR VICTIM NOTIFICATION REQUESTS			
	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Written Only	15	5	17
Oral Only	0	0	1
Either Written Or Oral	8	2	11
Both Written And Oral Required	5	0	0
Don't Know	3	0	0

It is widely recognized that many persons, other than the "direct victim," often suffer devastating consequences from crimes committed against someone they know or love. In addition, there are criminal justice officials who have a vested interest in knowing changes in the status of an offender in whose case they may have been involved. Accordingly, different correctional and parole agencies notify a variety of persons of changes in an offender's status, including but not limited to:

	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Immediate Family Members	9	3	11
Extended Family Members	4	0	6
Close Friends	5	0	6
Victim's Designated Representative	7	2	9
Prosecutor	9	3	9
Law Enforcement Officials	7	2	9
Probation Department	4	2	4
Other	1	0	0

Some parole agencies also notify other key criminal justice officials about an offender's status, including judges, the state Attorney General, and law enforcement officials in the county where the offender is to be released.

There are sixteen different types of releases about which adult and juvenile correctional agencies notify victims and/or witnesses:

<u>Type Of Release</u>	<u>Adult</u>	<u>Juvenile</u>
Early Release	25	5
Educational Release	19	3
Work Release	23	5
Curfew Release	13	2
Release Due To Prison		
Overcrowding	18	4
Funeral Furlough	16	3
Holiday Furlough	15	2
Discharge	28	5
Parole	27	6
Medical Release	19	4
Escape	26	6
Clemency	25	3
Death	18	4
Reincarceration Due To		
Revocation Of Parole		
(Notify Victim Of Original		
Offense)	11	4
(Notify Victim Of Offense That		
Resulted In Reincarceration)	16	2
Transfer	8	4
Change Of Classification	9	3

Several agencies also have initiated special procedures to ensure that victims who have been threatened or intimidated by offenders are notified of changes in that offender's status. For example, the Florida Department of Corrections Victim Assistance Program automatically sends victims a notice 30 to 60 days prior to the offender's release. One week prior to release, the Victim Assistance staff personally calls the victim, then follows up with a certified letter.

The procedures for victim notification vary according to state and agency:

VICTIM NOTIFICATIONS HANDLED THROUGH:			
	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Centralized Office	16	3	9
Each Work Site	11	3	7
Both	4	1	2
Not Applicable	0	0	1

A wide range of correctional personnel are responsible for victim notification in adult and juvenile corrections and parole agencies. Some staff classifications that are involved in victim notification include:

- victim service coordinators;
- classification staff;
- records office personnel;
- institution caseworker;
- parole officer;
- analyst;
- warden;
- treatment service staff;
- director of central operations; and
- administrative assistant.

Adult correctional agencies in two states -- Oklahoma and South Carolina -- have personnel who devote 100 percent of their time to victim/witness services. The Washington Division of Juvenile Rehabilitation has a full-time program administrator for victim services. And parole agencies in nine states (Florida, Kentucky, Massachusetts, New Jersey, New Mexico, Pennsylvania, South Carolina, Texas and Virginia) provide for a full-time Victim Service Coordinator.

In addition, California, Indiana and Washington have full-time victim service staff who, in addition to victim issues, also work on department policy, legislative initiatives, public education and correctional task forces.

In agencies which do not have a full-time Victim Services Coordinator, the average percentage of time a designated staff member devotes to assisting crime victims is:

<u>Agency</u>	<u>Avg. Percent Of Time</u>
Adult	14.2 percent
Juvenile	21.4 percent
Parole	22.3 percent

The amount of time in which victims are notified of changes in an offender's status varies from state to state, and agency to agency:

WHEN ARE VICTIMS NOTIFIED?			
<u>Amount Of Time</u>	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Less Than 30 Days	21	2	13
30 to 60 Days	8	5	9
61 to 90 Days	1	0	2
More Than 90 Days	0	0	4

Many crime victims and witnesses express concern about keeping their requests for notification of their offender's status confidential. It is extremely important to afford victims this simple protection to strengthen the victims' and witnesses' feelings of safety and security. Similarly, victims and witnesses do not want their notification requests (which contain their names, addresses and telephone numbers) made available to the news media or general public.

In many states, victim notification requests are kept in files to which the offenders never have access. In Arkansas, California, Florida, Indiana, Maine, Maryland, and Oklahoma, any information in the offender's file relevant to the victim is subject to control, and is removed or deleted prior to review by the offender or his/her counsel. Agencies in other states, including Arizona, Indiana, Iowa, Oregon, South Carolina and Washington, have "computer flags" indicating confidential information which the offender cannot access. The Michigan Parole Board protects all victim information with a label clearly designating such resources as "exempt from the Freedom of Information Act."

Confidentiality protections are offered by a number of agencies:

	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Offenders	25	5	27
Offenders' Attorneys	17	3	24
News Media	21	5	26
Public	21	4	26
None Of These	5	1	2

Operational Policy/Procedure For Centralized Victim/Witness Notification Program

The objective for establishing a standardized Victim/Witness Notification Program is to help ease the trauma experienced by victims and witnesses caused by the criminal act. It supports the victim's right to be "informed" and promotes the healing process.

Although effective victim/witness notification programs can be implemented in all institutions and parole regions, the following protocol describes a centralized program.

A centralized program provides timely and informative notifications to victims and witnesses relative to the offender's movement through the correctional system. It also provides a source of contact for the release of this information. This allows victims and witnesses to better understand a complicated and somewhat confusing system, and serves as a clearinghouse for information which aids other professionals working within the system.

Obtaining Victim/Witness Information

Upon conviction and sentencing of the offender, the names, addresses and telephone numbers of all victims and witnesses used in the prosecution of the case are obtained from the county prosecutor's office. A Victim/Witness List (see Appendix A) is generated and forwarded to the Notification Unit. All individuals identified on the Victim/Witness List are then notified of their right to participate in the notification process through receipt of an introductory letter. A program brochure is enclosed with the initial letter, along with a document to allow the individual to respond. Copies of the

Victim/Witness List and introductory letters are maintained within the Notification Unit for future reference and documentation purposes (see Appendix B for samples).

Registration of Victims/Witnesses into the Program

Upon receipt of the Victim/Witness Registration Card, verification should be made that:

- the individual requesting notification is on the Victim/Witness List; and
- the offender has been convicted and is currently within the correctional system.

Once eligibility has been verified, these individuals then receive a letter confirming their registration into the notification program (see Appendix C).

A centralized program must include an organized system to ensure that victim/witness and offender information is accurate and easily accessible for notification purposes. This includes change of address information and all contacts made to those participating in the program.

Receipt Of Offender Movement Information For Victim/Witness Notification

Clear and concise policies outlining consistent practices for all facilities must be developed. In addition, in some states, statutes have been passed to govern timely notification, as well as to protect the rights of victims and witnesses.

Advance notification prior to the actual movement of the offender (i.e., at least 30 days) is paramount to ensure that objectives of notification are maintained. Each facility where the offender is incarcerated should forward information to the Notification Unit. Ideally, a computerized system should ensure timely assurance and receipt of the information into the unit, as well as to the victim or witness. If an automated system is not available, receipt of information can be sent through the mail. A word of caution: if the U.S. Postal Service is used, allow enough time for mail delivery and delays to meet the required time frames for notification.

Types of Notification

Notifications to participants in the program should occur any time the inmate moves to a less secure facility. As a minimum, the following notifications should occur and can be accomplished by certified mail: (see Appendix C for samples)

- Transfer from prison to work release.
- Parole.
- Discharge or completing sentence.
- Furlough.
- Escape.
- Capture after an escape.

In cases of escape and emergencies, notification by telephone should occur with a follow-up letter sent to those registered in the program.

Escape Procedures

A 24-hour escape notification process should be established to ensure that program enrollees are immediately notified when an escape occurs.

A centralized program forwards escape information to a designated individual responsible for after-hour notification. During normal working hours, the designated individual would then contact the Notification Unit.

Upon receiving this information, the designated individual would immediately telephone and inform the victim or witness of the escape.

Training of designated staff is paramount, especially those working after-hours, since escapes often occur in the late night or early morning hours. This information can be very traumatic for the victim or witness.

Confidentiality

The confidentiality of victim/witness information must be maintained at all times. The Victim/Witness Notification Unit supervisor/administrator plays a key role in training staff regarding the importance of confidentiality. In many states, notification statutes specifically address the confidentiality of victim/witness information.

Summary

The establishment of clear and concise agency policies and procedures are important to ensure consistency among the facilities responsible for notification to victims and witnesses by unit staff. A centralized notification unit also maintains some autonomy within the correctional or paroling agency and may exercise authority to delay or cancel certain movements of the offender, provided time frames are not met relative to victim/witness notification. This authority only exists within the structure of the offender's legal sentence and relates to external movements of inmates within the correctional or paroling agency.

Operational Policy/Procedure for Decentralized Victim/Witness Notification

Policy

Notification of the escape or release of an inmate/parole violator may be provided upon written request and shall be provided as mandated by law and/or departmental policy.

Purpose

The purpose of this procedure is to provide guidelines for acceptance and processing of requests for notification of an inmate/parole violator's escape or release.

Requesters

Written request for notification shall be accepted from:

- victim, next-of-kin (if crime was homicide), or immediate family member;
- witness who was threatened by inmate; and
- individuals, when the inmate's release or escape presents a potential for harm to the person.

Types Of Releases

When a request for notification has been made a matter of record, the requester shall be notified of the inmate's:

- escape; and
- authorized release from departmental custody:
 - release to reentry or work furlough;
 - release to parole;

- discharge;
- release from custody for any other reason (i.e., bail, out to court);
- transfer of custody to another agency; and/or
- death

(In addition, some states notify of early release, educational release, curfew release, funeral furlough, holiday furlough, medical release, release due to overcrowding, clemency, transfer, change of classification, discharge from a mental health facility, protective cases, etc.)

Victim/Next-of-Kin/Immediate Family Member/Witness Notification

Victim, next-of-kin of victim (homicide cases), immediate family member, and/or witnesses who request notification shall be advised of the death, release or escape of inmates/parole violators.

Witnesses involved in the conviction who were threatened, victims, next-of-kin, and immediate family member may request notification with respect to the conviction of a violent offender.

Requests from victim, next-of-kin (when the crime was homicide), and immediate family member shall be processed in the following manner.

Warden/Regional Administrator

The Warden, Regional Parole Administrator, or designated staff at not less than the level of Correctional Lieutenant, Correctional Counselor I or Parole Agent I shall respond in writing to the requester and shall:

- acknowledge receipt of the request;
- indicate action(s) taken by the Department;
- request additional information if needed;

- inform the requester of the responsibility to provide the Department with current address and telephone number; and
- indicate the confidential status of the request.

Each request shall be evaluated by the responding staff member for:

- the potential risk of harm the inmate's/parole violator's release or escape presents; and
- the need for confidentiality.

Counselor

The counselor shall prepare appropriate documentation when requests have been made for notice of death, escape or release from departmental custody.

Case Records

Case records staff shall:

- notate the appropriate documents within the offender central file (i.e., chronological history, control cards, etc.);
- file the request, letter of acknowledgment, and other appropriate documentation in the offender central file, CONFIDENTIAL FOLDER section;
- affix a victim/witness sticker (or similar flagging symbol) to the outside cover of the confidential folder; and
- designate the request confidential as "material related to a person's fear of subject's escape or release/transfer from departmental custody."

Notification Procedures

The victim/witness shall be notified no later than 45 days prior to the inmate's/parole violator's scheduled release, discharge, or transfer from departmental custody.

A copy of the appropriate documentation shall be filed in the inmate's/parole violator's confidential folder with the request and response.

Death

A copy of the appropriate documentation shall be filed in the inmate's/parole violator's confidential folder with the request and response in the event of death.

Escape

In the event of an inmate's/parole violator's escape, the victim/witness shall be notified, if possible, by telephone or through the local law enforcement agency of record.

Institution staff shall have the responsibility for notifying the requester within 30 days of the return to custody of an escapee.

Parole Staff

Parole staff shall have the responsibility for notifying requesters of the death, release, or escape of parole violators who are serving revocation time in county jails or return-to-custody facilities.

Release To Reentry/Work Furlough

When notification is requested, reentry staff shall send written notice at least 30 days before placement of an inmate in a community reentry program.

This notice shall identify the inmate, the name and address of the facility and address of the controlling supervising entity.

Case records staff shall file a copy of the written notice with the original request for notice in the offender central file.

Release To Parole/Discharge/Release From Custody/Transfer of Custody

The inmate's counselor shall send written notice to the requester 30 days before authorized release. Notification to the victim, next-of-kin or immediate family member shall be sent to their last known address by certified mail.

The counselor shall write the letter or fill out a form letter and send it to the case records staff. Case records staff shall type and mail the original letter with a copy to the offender central file.

Notification of Release of Parolees Convicted of A Violent Felony Policy

Parole staff have the responsibility for notification of victims or witnesses who have requested notification of death, release, or escape of parole violators, convicted of a violent offense, serving revocation time in county jails or returned-to-custody facilities.

Regional Screening Coordinator

Reviews offender Release Program Study to determine if parolee was convicted of a violent offense (per penal code).

Completes and attaches victim, next-of-kin, immediate family member, witness request for notification to the Release Program Study package.

Parole Agent

Makes notations that case requires notification on Field Book Face Sheet and Parolee Roster.

Notes notification request on Notice Requirement on Risks and Needs Assessment Form.

Notifies Victim

Notifies victims, next-of-kin, immediate family member or witnesses of parolee's release from custody, if such notice has been requested, via "Confidential Notice of Release to Parole."

- The notice shall inform those persons of the fact that the person who committed the violent offense is scheduled to be released and specify the proposed date of release.
- Notice of the community in which the person is scheduled to reside shall also be given only if it is:
 - In the county of residence of a witness, or family member of a victim who has requested notification.
 - Within 35 miles of the actual residence of a witness, victim, next-of-kin, or immediate family member who has requested notification.
- If, after providing the witness, victim, next-of-kin, or immediate family member with the notice, there is any change in the release date or the community in which the person is to reside, the parole agent shall provide the same with the revised information.
- Requests received will be processed in accordance with the provisions of case records procedures.
- Notifies the witnesses or victims of any change in release date or community of parole for pre-parole referrals.
- "Notification of Release" letters sent to victims and witnesses shall be deemed CONFIDENTIAL.

Regional Records Staff

Post notification requirements on appropriate documentation (i.e., chronological history and control card), if not posted by institution staff.

Files "Notification of Release" letter in appropriate section of offender central file.

Forwards copy of completed "Notification of Release" to paroling authority if parole hearing is conducted.

Response to Written Request for Victim or Witness Notification Policy

Written requests for notice of an inmate's/parole violator's death, release, or escape will be responded to in writing by the Regional Administrator, or designated staff members not less than the level of a Parole Agent I.

Each request will be evaluated in terms of the potential risk of harm the parolee's release or escape will present to the requester, as well as the need to maintain the confidentiality of the requester's identity and of information contained in the request.

Response To Written Request For Victim Or Witness Notification Procedures

Regional Administrator (or Designee)

Acknowledges request and advises requester:

- Of actions taken by the Department.
- Of additional information, if any, required before an action can be taken.
- Of his or her responsibility to inform the Department of any change in the address or telephone number to which a notice is to be sent or a call is to be made.
- That the request is considered CONFIDENTIAL.
- Forwards copies of request and response to regional records.

Regional Records

Makes entry on the appropriate documentation (i.e., chronological history) in bold red ink "REQUESTED NOTICE OF DEATH, RELEASE, OR ESCAPE FROM DEPARTMENTAL CUSTODY" and to the appropriate control cards.

Stamps, with letters no less than one-quarter inch high, may be used.

Warning Potential Victim of Threat

For parolees involved in psychiatric evaluation, diagnosis and treatment, the psychotherapist shall immediately contact and warn a potential victim if a parolee indicates an intent to commit bodily harm to an identifiable individual.

Procedures For Warning Potential Victims

Therapist

Telephone unit supervisor regarding threat and potential victim.

Attempt to contact potential victim by telephone to advise of the threat.

Documents warning or efforts to warn.

Forward copy to unit supervisor, and copy for inclusion in parolee's psychiatric file via the chief psychiatrist.

Unit Supervisor

Ensures that appropriate steps are taken to warn potential victim. Takes other appropriate actions immediately (i.e., arrest of parolee, notification of local law enforcement of threat and potential victim, submission of an activity and violation report, etc.).

Notifies parole administrator and the Director of Paroles of the incident.

Therapist

Consults with the chief psychiatrist if therapist becomes aware of violent propensities of a parolee towards an identifiable potential victim without an actual threat of violence having been made against that individual.

Reentry Placement Notification Procedure

Screening Agent

Prepares form letter advising witness, victim, Agent next-of-kin, or immediate family member of inmate's approval for reentry if notification has been requested (within 7 days of case acceptance).

Forwards copies of form letter(s) to regional records and assigned reentry specialist.

Reentry Specialist or Regional Records Staff

Marks inmate's reentry facility of central file with a red tab next to the inmate's name if victim notification has been requested.

Prepares manila envelope, marked CONFIDENTIAL in large letters, and seals and attaches envelope (containing copy of form letter to victim, name, address and telephone number of victim, and law enforcement officials to be contacted if inmate escapes) to left inside cover of the inmate's facility and central file if victim notification has been requested.

Escape Procedures

Facility Staff (Immediately)

Checks file for victim notification requests (immediately). Provides parole staff with the names, addresses and telephone numbers of any witnesses, victims, next-of-kin, immediate family members requesting notification and the law enforcement officials to be notified.

Reentry Specialist (Immediately)

Contacts requesters by telephone and reports escape. Sends confirming letter to requesters reporting escape with copies to the reentry facility and reentry records, if telephone contact with victim is made.

Contacts the chief of police and sheriff of the witness, victim, next-of-kin, or immediate family member's city or county residence.

Sends a telegram to the requesters advising of the escape if telephone contact was not successful.

Please refer to Appendix D for various types of support documentation and form letters used in the victim/witness notification process by several agencies of government throughout the states.

STATE OF WASHINGTON
 DEPARTMENT OF CORRECTIONS
 DIVISION OF COMMUNITY CORRECTIONS

**DIVISION
 DIRECTIVE**

NUMBER
EX 310B-F
 EFFECTIVE DATE
 June 15, 1990

TITLE
VICTIM/WITNESS LIST - DOC 9-18

Page 1 of 2

VICTIM / WITNESS LIST

OFFENDER NAME		DOC NUMBER	OFFENSE			COUNT		
COUNTY	CAUSE NUMBER	PLEASE CIRCLE	<input type="checkbox"/> PLEA	<input type="checkbox"/> TRIAL	LAST RESIDENCE	CITY	COUNTY	
NOTICE - UNDER NO CIRCUMSTANCES IS A COPY OF THIS LIST TO BE GIVEN TO THE OFFENDER OR FORWARDED TO THE INSTITUTION IF THE OFFENDER IS COMMITTED TO PRISON. A VAWNP packet (introductory letter, program brochure, registration card and return envelope) has been mailed to all persons listed below. <input type="checkbox"/> Yes <input type="checkbox"/> No Is the victim a minor under the age of 16 years? <input type="checkbox"/> Yes <input type="checkbox"/> No								
NAME	ADDRESS	CITY	ZIP	TELEPHONE NO				
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								

DISTRIBUTION ORIGINAL VICTIM/WITNESS NOTIFICATION PROGRAM

PREPARED BY (CCO)

DATE

DIVISION DIRECTIVE

NUMBER	EX 310B-F
EFFECTIVE DATE	June 15, 1990

TITLE **VICTIM/WITNESS LIST - DOC 9-18**

Page 2 of 2

THIS FORM IS COMPLETED ONLY FOR THE OFFENSES LISTED BELOW

<u>Offense</u>	RCW
• All Class A Felonies	
• Criminal Attempt to Commit a Class A Felony or Sex Offense	9A.28
• Criminal Solicitation to Commit a Class A Felony or Sex Offense	9A.28
• Criminal Conspiracy to Commit a Class A Felony or Sex Offense	9A.28
• Rape 1st, 2nd and 3rd Degree	9A.44.040, 050, 060
• Statutory Rape 1st, 2nd and 3rd Degree	9A.44.070, 080, 090
• Rape of Child 1st, 2nd and 3rd Degree	9A.44.073, 076, 079
• Child Molestation 1st, 2nd and 3rd Degree	9A.44.083, 086, 089
• Sexual Misconduct with a Minor in the 1st and 2nd Degree	9A.44.093, 096
• Indecent Liberties (Forcible/Non-Forcible)	9A.44.100
• Incest	9A.64.020
• Communication with Minor for Immoral Purposes	9.68A.090
• Arson, 1st and 2nd Degree	9A.48.020, 030
• Assault 1st and 2nd Degree	9A.36.010, 020
• Bailjumping (held, charged or convicted of Murder, 1st Degree)	9A.76.170
• Extortion 1st Degree	9A.56.120
• Kidnapping 1st and 2nd Degree	9A.40.020, 030
• Manslaughter 1st and 2nd Degree	9A.32.060, 070
• Murder 1st and 2nd Degree	9A.32.030, 050
• Vehicular Homicide	46.61.520
• Vehicular Assault	46.61.522
• Robbery 1st and 2nd Degree	9A.56.200, 210

DIVISION DIRECTIVE

NUMBER	EX 310D-F
EFFECTIVE DATE	June 15, 1990

TITLE **DIRECTIONS FOR COMPLETION OF THE VICTIM/WITNESS LIST**

Page 1 of 2

1. Offender Name: Last, First, Middle

Examples:

Johnson, Kenneth James
Leonard, Ron L.
Reed, Donna (NMI)

2. DOC number: Assigned Department of Corrections Identification number.

If unknown, indicate: unk

3. Offense: Prepare the Victim/Witness List only for the offenses specified as violent/sex by RCW 9.94A.030. THESE OFFENSES ARE LISTED ON THE REVERSE OF THE VICTIM/WITNESS LIST. If not one of the listed crimes, do NOT complete the Victim/Witness List.

The RCW to which one should refer when determining whether to complete the Victim/Witness List is the RCW for the underlying offense. For example the RCW for Attempted Kidnap in the 1st Degree is 9A.40.020.

4. Count: If there were more than one count, but the Victim/Witness for each count was the same, only one V/W to be completed. Prepare a separate V/W list when the victim/witnesses are different. If the offender was charged with one offense and no court designation was used, indicate the number one (1).

5. County: Spell out the entire name of the county of conviction.

6. Cause number: Prepare a separate Victim Witness List for each cause number.

7. Check whether the offender pled guilty or was found guilty by trial.

8. Offender's address: the city/county in which the offender resided immediately before arrest/conviction.

9. Check whether the victim is a minor under the age of 16 years.

10. Name: Last, First, Middle

Specify the age of the victim or witness when this person is under the age of 16 and include the parents' or guardians' name and contact information.

Example #1

In many cases where the victim or witness is under age, the parent is the offender. In these cases the victim or witness is frequently a ward of the court and/or lives in foster care or with relatives. If this is the case, the caseworker's name and contact information must be listed.

Example #2

Specify "developmentally disabled" or "physically incapacitated" if the victim or witness has these disabilities and include the name and contact information for the guardian or advocate.

Example #3

Specify "deceased" if the victim is deceased. Include "next of kin" information on ALL loss of life violent offenses. A "next of kin" is a surviving spouse, child or other relative designated by the prosecuting attorney. If no "next of kin" information is available, specify "next of kin information unavailable", and submit an additional memo stating specific efforts to gain such information.

Example #4

If the victim or witness does not wish to disclose his/her address or if the address is not available in the record, and you cannot obtain the address, document your efforts by either noting your efforts on the form itself or attaching a chronological sheet detailing your efforts. If there are court orders or letter pertaining to victim's desire for privacy, include copies of these. In these cases, the Victim Assistance Units are in the Prosecutor's Offices may be able to assist.

DIVISION DIRECTIVE

NUMBER	EX 310D-F
EFFECTIVE DATE	June 15, 1990

TITLE **DIRECTIONS FOR COMPLETION OF THE VICTIM/WITNESS LIST**

Page 2 of 2

11. Address: Use last known mailing address. Attempt to obtain the most recent address of the victim or witness by using the prosecutor's subpoena list, clerk's office documents, official police report, or consult with the Prosecuting Attorney's Victim Assistance Unit.
12. City
13. Zip Code. (On All Addresses)
14. Telephone number: Area codes are required on all telephone numbers. If the telephone number is unknown or if the victim or witness does not have a phone, designated "unknown" or "none", do not merely leave the space blank. If known, designate both work and home phone.
Example: home 206-322-2805
 work 206-462-8126
15. Victim: the person or persons who sustained personal injury during the act of the crime.
Injury includes emotional, physical, or monetary injury. If uncertainty exists as to who the victim is, consult the information on the document used to file the case.
In additions, **BUSINESS OR ORGANIZATIONS ARE ALSO INCLUDED AS VICTIMS** for the purposes of the VICTIM/WITNESS NOTIFICATION PROGRAM. For example, if an offender robs a 7-11 store of \$90, the clerk as well as the store involved is the victim.
16. Witness: **MUST BE LISTED IN PLEA AS WELL AS TRIAL CASES.** All witnesses who testify for the prosecution, (or potential witnesses identified by the prosecuting attorney), including law enforcement and other expert witnesses must be listed along with contact information (use business address and phone).
17. Prepared by: the signature of the officer responsible for the Victim/Witness List. **CLERICAL PERSONNEL ARE NOT RESPONSIBLE FOR THE CONTENTS OF THE VICTIM/WITNESS LIST.**
18. DATE: the date the officer reviews and signs the Victim/Witness List.
NOTE: SIGNATURE ON FORM CONFIRMS THAT VICTIM/WITNESS NOTIFICATION PROGRAM PACKETS HAVE BEEN MAILED TO ALL PERSONS NOTED ON THE LIST.
19. Distribution: The original of the Victim/Witness List will be forwarded to the VICTIM WITNESS NOTIFICATION PROGRAM by the CCO. **THE VICTIM/WITNESS LIST IS NOT TO BE GIVEN TO ANYONE OTHER THAN THE VICTIM/WITNESS NOTIFICATION PROGRAM, HEADQUARTERS OFFICE.** This information is highly sensitive and confidential and should be handled accordingly. (Place envelope in mail.) To avoid the need to re-investigate because of lost mail, etc., the reporting community corrections officer must maintain a copy of all Victim/Witness Lists for a period not to exceed sixty (60) calendar days. The lists will be stored in a safeguarded filing cabinet, separate from offender files. At the end of the sixty (60) days the copies or information shall be destroyed in a manner appropriate to the sensitivity and confidentiality of the information, (shredding, etc.).
Do not merely place them in a wastebasket, and do not forward them to the VICTIM/WITNESS NOTIFICATION PROGRAM unless requested to do so.

Appendix B - 1
State of Washington Policies and Procedures

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
DIVISION OF COMMUNITY CORRECTIONS

**DIVISION
DIRECTIVE**

NUMBER	EX 310C-F
EFFECTIVE DATE	June 15, 1990

TITLE VICTIM/WITNESS NOTIFICATION PROGRAM POLICY AND PROCEDURES

Page 1 of 2

OBJECTIVE:

To provide notification, as required by statute, to specific requesting parties (victims/witnesses of violent and/or sex offenses and law enforcement agencies) of a specific offender's movement within the Department of Corrections, to include discharge from custody.

POLICY:

1. To establish verification of a specific individual's involvement in a specific violent and/or sex offense, either as a victim, a witness, or an involved person identified by the Prosecuting Attorney), and their "right to know."
2. To provide notification, when requested by a program enrollee, of various types of movement of offenders sentenced after October 1, 1983, for violent offenses as defined by RCW 9.9A.030.

PROGRAM DESCRIPTION:

Persons who qualify for program enrollment, and who elect to participate, will be notified by the Department of Corrections when a specific violent and/or sex offender (a) furloughs from prison or work/training release facility, (b) is approved for transfer from prison to a work release facility, (c) is approved for parole from a correctional institution, (d) released to Community Placement, (e) completes sentence, (f) escapes from a correctional institution, to include work release facilities, or (g) is recaptured after an escape.

The Victim/Witness Notification Program, located in Department of Correction Headquarters, will maintain both a manual and computerized filing and tracking system to accomplish its mission. The process will use a reporting procedure which will include movement reports from Washington State Indeterminate Sentence Review Board, Division of Prisons (correctional institutions) and Work Release Facilities in the Division of Community Corrections. The process will ensure that proper pre-movement notification can be made to qualified victims, witnesses and law enforcement agencies. The program objective is to attempt to alleviate the high level of emotional stress on the part of the victims and witnesses of violent and/or sex crime, and to alert victims and witnesses and law enforcement agencies of the release of violent offenders to the community.

The violent/sex crimes eligible under Victim/Witness guidelines are as follows:

Offense

RCW

- | | |
|---|---------------------|
| ● All Class A Felonies | |
| ● Criminal Attempts to Commit a Class A Felony or Sex Offense | 9A.28 |
| ● Criminal Solicitation to Commit a Class A Felony or Sex Offense | 9A.28 |
| ● Criminal Conspiracy to Commit a Class A Felony or Sex offense | 9A.28 |
| ● Rape 1st, 2nd and 3rd Degree | 9A.44.040, 050, 060 |
| ● Statutory Rape 1st, 2nd and 3rd Degree | 9A.44.070, 080, 090 |
| ● Rape of Child 1st, 2nd, and 3rd Degree | 9A.44.073, 076, 079 |
| ● Child Molestation 1st, 2nd and 3rd Degree | 9A.44.083, 086, 089 |
| ● Sexual Misconduct with a Minor in the 1st and 2nd Degree | 9A.44.093, 096 |
| ● Indecent liberties (Forcible/Non-Forcible) | 9A.44.100 |
| ● Incest | 9A.64.020 |
| ● Communication with Minor for Immoral Purposes | 9.68A.090 |
| ● Arson, 1st and 2nd Degree | 9A.48.020, 030 |
| ● Assault 1st and 2nd Degree | 9A.36.010, 020 |
| ● Bailjumping (held, charged or convicted of Murder, 1st Degree) | 9A.76.170 |
| ● Extortion 1st Degree | 9A.56.120 |
| ● Kidnapping 1st and 2nd Degree | 9A.40.020, 030 |
| ● Manslaughter 1st and 2nd Degree | 9A.32.060, 070 |
| ● Murder 1st and 2nd Degree | 9A.32.030, 050 |
| ● Vehicular Homicide | 46.61.520 |
| ● Vehicular Assault | 46.61.522 |
| ● Robbery 1st and 2nd Degree | 9A.56.200, 210 |

DIVISION DIRECTIVE

NUMBER	EX 310C-F
EFFECTIVE DATE	June 15, 1990

TITLE **VICTIM/WITNESS NOTIFICATION PROGRAM** Page 2 of 2
IDENTIFICATION, CLASSIFICATION AND ESCAPE - POLICY AND PROCEDURES

I. PURPOSE

To provide a process by which the Department of Corrections maintains a system of identifying, tracking, and reporting certain violent and/or sex offenders as they are processed through Department of Corrections' facilities.

II. SCOPE

these procedures shall apply to all State of Washington felons who have been convicted of violent and/or sex crimes (as enumerated in RCW 9.94A.030), sentenced after October 1, 1983, and committed to a Department of Corrections correctional institution.

III. GENERAL

It is imperative that all Department of Corrections staff responsible for the classification process and inmate escape reporting procedures are aware, informed and trained in Victim/Witness Notification Program operational procedures as they integrate with present Department of Corrections, Division of Prisons, Division of Offender Programs, and Division of Community Corrections policies and procedures.

- A. All convicted violent and/or sex offenders (crimes set forth under RCW 9.94A.030), committed to the Division of Prisons, Washington Corrections/Reception Center, Washington, Washington Corrections Center for Women and Washington State Penitentiary (Death Row), shall be screened for eligibility under the violent and sex offense statutes (RCW 9.94A.030) and Victim/Witness Notification Guidelines.
- B. If the violent or sex offender escapes from a Department of Corrections facility (prison or work/training release) the Department shall immediately notify, by telephone or teletype, the chief of police of the city and the sheriff of the county in which the offender resided immediately before his/her arrest and conviction.

The Department shall also notify, by the most expedient and reasonable means, all Victim/Witness Notification Program enrollees if previously requested.

(NOTE: Victim/Witness eligibility will be designated on the D150 and D114 screen)

- C. If the violent or sex offender (escapee) is recaptured, the Department of Corrections shall provide notice to all previously contacted persons as soon as possible, but in no event later than two (2) working days after learning of the recapture.

Appendix B-2
State of Washington Victim/Witness Program Introductory Letter

Victim/Witness
Address
City, State

RE: Offender's Name

Dear Victim/Witness:

The state of Washington has initiated a program which will notify the victims and/or witnesses of violent crimes of certain specific movements of the offender through the corrections system. Our file information indicates that you may be eligible to participate in the Victim/Witness Notification Program. Should you request notification of future system movements of the specific violent and/or sex offender, enclosed are the necessary documents for your information and program registration. Enclosures include a program description and instructions for program registration, a Victim/Witness Notification Registration Card and a self-addressed Victim/Witness Program envelope.

If you would like additional information about the program, please feel free to call the toll-free number listed below.

Sincerely,

William A. Stutz, Manager
Victim/Witness Notification Program
(206)753-6211
1-800-322-2201 (WA State only)

CERTIFICATE OF MAILING

I certify that I mailed a true and accurate copy of this document to the person named herein at the address shown, which is the last known address of record, and that the information contained in this letter has been verified as to its accuracy, on (date).

Victim/Witness Program, Cora Lee Johnson

DEFINITIONS

Furlough:

Time-limited (usually 3-5 days) unaccompanied leave from prison or work/training release.

Parole:

Release from custody with supervision by Community Corrections Officers of the Division of Community Corrections, Department of Corrections.

Prison:

A Department of Correction's facility under jurisdiction of the Division of Prisons having in custody those violent offenders classified minimum to maximum security, including prison camps. (County jails are not included in the VICTIM/WITNESS NOTIFICATION PROGRAM.)

Sex Crimes:

Crimes defined in Revised Code of Washington 9A.030.

Victim:

Any person or persons who sustained physical or financial injury to person or property as a direct result of the violent crime. In the event that the violent offense resulted in the loss of life of the victim, one family member shall be designated by the Prosecutor to be notified under the VICTIM/WITNESS NOTIFICATION PROGRAM.

Violent Crimes:

Crimes defined in Revised Code of Washington 9A.030.

Violent Offender:

Person convicted of a violent crime by plea or trial and sentenced to prison.

Witness:

Person who was summoned, or expected to be summoned, to testify for the prosecution in any criminal action resulting in the conviction of a violent offender.

Work/Training Release:

Department of Correction's facility under jurisdiction of the Division of Community Corrections. These facilities allow frequent unaccompanied release of the offender to the community for the pur-

pose of work, training, treatment, sponsored social outings, etc.

Further information and assistance regarding this program may be obtained by dialing this toll free number: 1-800-322-2201 (in Washington State) or 206-753-6211.

B-28

DEPARTMENT OF CORRECTIONS

CHASE RIVELAND
SECRETARY



VICTIM/WITNESS NOTIFICATION PROGRAM

Appendix B-3
State of Washington Program Brochure

VICTIM/WITNESS NOTIFICATION PROGRAM

The VICTIM/WITNESS NOTIFICATION PROGRAM is provided by the Department of Corrections. The program notifies eligible participants when a violent or sex offender:

1. Is approved for furlough from prison, or work/training release,
2. Is approved for parole (or has completed sentence),
3. Is approved for transfer from prison to work/training release, or field supervision under Community Placement,
4. Escapes from custody, or
5. Is recaptured after an escape.

To be eligible for participation in the VICTIM/WITNESS NOTIFICATION PROGRAM, you should be able to answer "yes" to the following three questions:

1. Were you a victim, (or next of kin/survivor of a victim, or parent/guardian of a minor victim), of a violent or sex offense (listed in this brochure) in which the offender pled guilty or was found guilty; or were you identified as a witness for the prosecution in which the offender pled or was found guilty of one or more of the listed violent or sex offenses?
2. Was the offender committed to a State of Washington prison for the offense?
3. Was the sentence date after October 1, 1983 for the violent offense or July 1, 1989 for the sex offense?

The following is a list of offenses as defined in Revised Code of Washington 9A.030. The victims and witnesses of these offenses who answered "yes" to the preceding questions may be eligible to request participation in the VICTIM/WITNESS NOTIFICATION PROGRAM:

VICTIM WITNESS ELIGIBILITY CRIMES

Offenses:

- All Class A Felonies
- Criminal Attempt to Commit a Class A Felony or Sex Offense
- Criminal Solicitation to Commit a Class A Felony or Sex Offense
- Criminal Conspiracy to Commit a Class A Felony or Sex Offense
- Rape 1st, 2nd and 3rd Degree
- Statutory Rape 1st, 2nd and 3rd Degree
- Rape of Child 1st, 2nd and 3rd Degree
- Child Molestation 1st, 2nd and 3rd Degree
- Sexual Misconduct with a Minor in the 1st and 2nd Degree
- Indecent Liberties (Forcible/non-Forcible)
- Incest
- Communication with Minor for Immoral Purposes
- Arson, 1st and 2nd Degree
- Assault 1st and 2nd Degree
- Bailjumping (held, charged or convicted of Murder, 1st Degree)
- Extortion 1st Degree
- Kidnapping 1st and 2nd Degree
- Manslaughter 1st and 2nd Degree
- Murder 1st and 2nd Degree
- Vehicular Homicide
- Vehicular Assault
- Robbery 1st and 2nd Degree

If you answered "yes" to the three questions, if the offense in which you were involved is listed above, and if you wish to be notified of specific system movements of the offender, you must inform the

Victim/Witness Notification Program in the following manner:

- A. You must fill out the VICTIM/WITNESS Registration Card. Even if you do not have sufficient information to complete the Registration Card (you must at least have the offender's name), you may still submit a request for registration. A registration card should be available with this brochure. If not, you may obtain one from the nearest Department of Corrections office or facility, Prosecuting Attorney's Office or County Clerk's Office.
- B. You must mail the Registration Card by Certified Mail to the VICTIM/WITNESS NOTIFICATION PROGRAM, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504. Certified Mail is available at your local Post Office.
- C. You must notify the Victim/Witness Notification Office, in writing, each time your address changes. The VICTIM/WITNESS NOTIFICATION PROGRAM cannot notify you of the offender's status if you fail to report each change of address. A current telephone number is also requested. All registration material is deemed confidential and will be safeguarded.

Upon receiving your VICTIM/WITNESS Registration Card, your eligibility to participate in the program will be determined by verifying the conviction for a violent or sex offense (as listed above), the sentence date, and the commitment to prison. Also, your involvement as a victim or witness will be confirmed. After eligibility is determined, you will be notified of your enrollment in the VICTIM/WITNESS NOTIFICATION PROGRAM by mail. Should you wish, at any time, to discontinue your participation in the program, you may do so by requesting by Certified Mail to be removed from the VICTIM/WITNESS NOTIFICATION PROGRAM.

Appendix B-4
 State of Washington Victim/Witness Notification Program
 Registration Card

DEPARTMENT OF CORRECTIONS
 VICTIM/WITNESS NOTIFICATION PROGRAM
 REGISTRATION CARD

ALL INFORMATION LISTED ON THIS CARD IS CONFIDENTIAL AND WILL BE SAFEGUARDED

PLEASE PRINT—USE BALL POINT PEN

NAME OF OFFENDER (Last, First, Middle)		DOC NUMBER (if known)
COUNTY OF CONVICTION	CODE	CAUSE NUMBER (if known)
OFFENSE		SENTENCE DATE (if known)
NAME OF PROGRAM ENROLLEE (Your Name: Last, First, Middle)		TELEPHONE NUMBER
STREET OR MAILING ADDRESS		DAY
CITY STATE ZIP		NIGHT
RELATIONSHIP (Check One) Victim <input type="checkbox"/> Witness <input type="checkbox"/> Next of Kin to Victim <input type="checkbox"/> Guardian of Minor Victim <input type="checkbox"/> Other <input type="checkbox"/>		MESSAGE
		<input type="checkbox"/> CHECK BOX ONLY IF NEW ADDRESS

RETAIN THIS PORTION
 FOR YOUR RECORD
 DOC 9-19 (7/86) -711-

 SIGNATURE

 DATE

Appendix C-1
Washington Department of Corrections Victim Notification Program
Enrollment Confirmation Letter

Victim/Witness
Address
City, State

RE: Offender's Name

Dear Victim/Witness:

This is to inform you that I have received your request for enrollment into the Victim/Witness Notification Program. You are now officially enrolled in the program and will be notified of future Department of Corrections movements of the offender. Specific areas of notification will include approval for pre-release/work release placement, furlough, parole, completion of sentence, community placement, or an escape from custody.

Please be advised that some offenders committed to prison may earn a portion off their sentence for good behavior. This is known as Earned Release time. If the offender is credited for good behavior during their period of confinement, this will adjust their release date.

Please keep us informed of any changes in your residence or telephone number, so prompt notification can be made of any of the listed offender movements. Also, should you decide to be removed from the program you will need to submit the request, in writing, to the Victim/Witness Notification Program office.

If you have any questions or concerns, or would like more information about the amount of Earned Release Time, please feel free to contact the Victim/Witness office. A toll-free number (listed below) is provided for your convenience.

Sincerely,

William A. Stutz, Manager
Victim/Witness Notification Program
(206)753-6211
1-800-322-2201 (WA State only)

Appendix C-2
Washington DOC Victim Notification Program
Letter Regarding Transfer to Community-based Facility

Victim/Witness
Address
City, State

RE: Offender's Name

Dear Victim/Witness:

The Victim/Witness Notification Program has received official confirmation that the above named offender has been approved to move from a prison institution to a pre-release/work release facility.

In accordance with the Victim/Witness Notification Program guidelines, this letter provides you official notification that inmate _____ will be transferring to a community based facility in _____ County on or about _____.

If you have any questions or concerns, please feel free to contact the Victim/Witness Notification Program office at the toll-free number listed below.

Sincerely,

William A. Stutz, Manager
Victim/Witness Notification Program
(206)753-6211
1-800-322-2201 (WA State only)

CERTIFICATE OF MAILING

I certify that I mailed a true and accurate copy of this document to the person named herein at the address shown, which is the last known address of record, and that the information contained in this letter has been verified as to its accuracy, on (date).

Victim/Witness Program, Cora Lee Johnson

Washington DOC Victim Notification Program
Letter Regarding Parole Approval

Victim/Witness
Address
City, State

RE: Offender's Name

Dear Victim/Witness:

The Victim/Witness Notification Program has received official confirmation that the above named offender has been approved for parole to _____ County from a correctional institution.

In accordance with the Victim/Witness Notification Program guidelines, this letter provides you official notification that inmate _____ will be released from custody on or about _____.

If you have any questions or comments, please feel free to contact the Victim/Witness Notification Program office at the toll-free number listed below.

Sincerely,

William A. Stutz, Manager
Victim/Witness Notification Program
(206) 753-6211
1-800-322-2201 (WA State only)

CERTIFICATE OF MAILING

I certify that I mailed a true and accurate copy of this document to the person named herein at the address shown, which is the last known address of record, and that the information contained in this letter has been verified as to its accuracy, on (date).

Victim/Witness Program, Cora Lee Johnson

Appendix C-4
Washington DOC Victim Notification Program
Letter Regarding Offender's Release From Custody

Victim/Witness
Address
City, State

RE: Offender's Name

Dear Victim/Witness:

The Victim/Witness Notification Program has received official confirmation that the above named offender is soon to be released from custody from a state correctional facility.

In accordance with the Victim/Witness Notification Program guidelines, this letter provides you official notification that offender _____ will complete sentence and be released to _____ County on or about _____.

If you have any questions or comments, please feel free to contact the Victim/Witness Notification Program office at the toll-free number listed below.

Sincerely,

William A. Stutz, Manager
Victim/Witness Notification Program
(206)753-6211
1-800-322-2201 (WA State only)

CERTIFICATE OF MAILING

I certify that I mailed a true and accurate copy of this document to the person named herein at the address shown, which is the last known address of record, and that the information contained in this letter has been verified as to its accuracy, on (date).

Victim/Witness Program, Cora Lee Johnson

Appendix C-5
Washington DOC Victim Notification Program
Letter Regarding Offender Release to Work Furlough Facility

Victim/Witness
Address
City, State

RE: Offender's Name

Dear Victim/Witness:

The Victim/Witness Notification Program has received official confirmation that the above named offender is soon to be released to a work furlough facility.

In accordance with the Victim/Witness Notification Program guidelines, this letter provides you official notification that offender _____ will be released to _____ County on or about _____.

If you have any questions or comments, please feel free to contact the Victim/Witness Notification Program office at the toll-free number listed below.

Sincerely,

William A. Stutz, Manager
Victim/Witness Notification Program
(206)753-6211
1-800-322-2201 (WA State only)

CERTIFICATE OF MAILING

I certify that I mailed a true and accurate copy of this document to the person named herein at the address shown, which is the last known address of record, and that the information contained in this letter has been verified as to its accuracy, on (date).

Victim/Witness Program, Cora Lee Johnson

Appendix C-6
Washington DOC Victim Notification Program
Letter Regarding Offender Escape From Custody

Victim/Witness
Address
City, State

RE: Offender's Name

Dear Victim/Witness:

In accordance with Victim/Witness Notification Program guidelines, this letter is official notification that the above named inmate has escaped from _____.

We will advise you when inmate _____ is captured/returned to custody.

If you have any questions or concerns, please feel free to contact the Victim/Witness Notification Program office at the toll-free number listed below.

Sincerely,

William A. Stutz, Manager
Victim/Witness Notification Program
(206)753-6211
1-800-322-2201 (WA State only)

CERTIFICATE OF MAILING

I certify that I mailed a true and accurate copy of this document to the person named herein at the address shown, which is the last known address of record, and that the information contained in this letter has been verified as to its accuracy, on (date).

Victim/Witness Program, Cora Lee Johnson

Appendix C-7
Washington DOC Victim Notification Program
Letter Regarding Offender's Return to Custody

Victim/Witness
Address
City, State

RE: Offender's Name

Dear Victim/Witness:

This letter is to inform you that the above named offender has been returned to custody.

In accordance with Victim/Witness Notification Program guidelines, I will provide you with notification of specific future system movements of offender _____.

If you have any questions or concerns, please feel free to contact the Victim/Witness Notification Program office at the toll-free number listed below.

Sincerely,

William A. Stutz, Manager
Victim/Witness Notification Program
(206)753-6211
1-800-322-2201 (WA State only)

CERTIFICATE OF MAILING

I certify that I mailed a true and accurate copy of this document to the person named herein at the address shown, which is the last known address of record, and that the information contained in this letter has been verified as to its accuracy, on (date).

Victim/Witness Program, Cora Lee Johnson

CONFIDENTIAL

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

REQUEST FOR VICTIM NOTIFICATION / SPECIAL CONDITIONS OF PAROLE

CDC 1707 (9/90)

If you are a victim of crime, next to kin, parent / or guardian of the minor victim, or witness, and the offender was sentenced to the California Department of Corrections (CDC), you have the right to be notified when the inmate is scheduled to be released from prison (Penal Code Section 3058.8). You also have the right to be notified if the inmate escapes from an institution or re-entry facility, or if the inmate dies while under the supervision of CDC. You also have the right to request that special conditions of parole be placed upon the offender. The Department's Victim Services Program staff will forward your request to the appropriate institution for processing. Your request will be marked "confidential" and will be filed in the Confidential Folder of the inmate's Central File. Requests must be made in writing to:

If Offender's Location is Known:

If Offender's Location is Not Known:

Name of Institution
 Address
 City, State, Zip Code
 Attn: Classification and Parole Representative

California Department of Corrections
 Victim Services Program
 P.O. Box 942883
 Sacramento, CA 94283-0001
 (916) 324-6737

Please Print or Type all Entries

Inmate's Full Name: _____

Date of Birth: _____ CDC #: _____

Court Case #: _____ County of Commitment: _____

- As the:
- Victim
 - Parent or Guardian of the minor victim
 - Next of Kin
 - Witness

I request to be advised of this inmate's status as it relates to his/her release, escape, death, or if he/she is scheduled for a life parole hearing. *I would also like to request input into special conditions of parole (e.g., no contact with victim, community of residence, etc.) listed below. I understand that it is my responsibility to keep you informed as to my current address so that such notification can be made.

Name of Victim: _____

Name of person requesting information: _____

Mailing Address: _____

City/State/Zip Code: _____

Telephone Number (Optional): _____ ()

SIGNATURE	DATE

* Special Conditions of Parole: _____

PLEASE FOLD AND STAPLE OR ENCLOSE IN AN ENVELOPE

_____ FOLD HERE _____

RETURN ADDRESS

PLACE
STAMP
HERE

CONFIDENTIAL

TO: _____

STAPLE HERE

Appendix D-2
California DOC Victim Notification Enrollment Letter

STATE OF CALIFORNIA—YOUTH AND ADULT CORRECTIONAL AGENCY

PETE WILSON, Governor

DEPARTMENT OF CORRECTIONS

Institution or Parole Region Address



Date

Ms. Jane Doe
1515 S Street
Sacramento, CA 94283-0001

Dear Ms. Doe:

INMATE: Ray Jones, E-00000

Thank you for your letter requesting notification of the release of Ray Jones, E-00000. The purpose of this letter is to confirm receipt of your request and to advise that you will be notified 45 days prior to a release of any type.

Mr. Jones currently has an Earliest Possible Release Date (EPRD) of April 23, 1999. Please note that there are many contributing factors which determine a release date, and a release date is subject to change. If the release date changes after the 45-day notice has been sent, you will be notified immediately. You will also be notified immediately in the event of death or escape.

Although you will not be notified in the event of inter-departmental transfers, your original request will be placed in the confidential portion of the offender's file which is forwarded to the receiving institution should a transfer occur.

Pursuant to Penal Code Section 3058.8, it is your responsibility to inform the Department of Corrections of any change of address. You are also required to advise us of any change in your telephone number.

Your request, along with any other personal information, will remain confidential from the inmate.

The enclosed brochure should be of assistance to you regarding this matter. If you have further questions, please contact the undersigned at (916) 324-8889.

Sincerely,

F. CLARK
Classification and Parole Representative
or Parole Division Representative
Institution or Parole Region Name

Enclosure

cc: Inmate Confidential File

STATE OF CALIFORNIA

**APPROVAL FOR PLACEMENT IN COMMUNITY PRISONER MOTHER,
WORK FURLOUGH OR RESTITUTION PROGRAM.**

P.C. 11155 - NOTICE TO VICTIM / NEXT OF KIN / IMMEDIATE FAMILY MEMBER

CDC 1723 (3/91)

TO:

[]

[]

FROM:

[]

[]

DEPARTMENT OF CORRECTIONS

[]

REGARDING:

CDC NUMBER	INMATE'S NAME
------------	---------------

In compliance with Section 11155 of the California Penal Code, this is the notification you requested regarding the inmate named above. Please be advised that this inmate has been screened and approved for placement in a community prisoner mother, work furlough, or restitution program. Residents of such programs may be allowed to leave the facility for employment, training, or family visiting. The inmate may be transferred to a community facility at any time. The Department of Corrections will notify you as soon as exact placement, if any, is determined.

If you have any questions, please contact the person signed below.

SIGNATURE	TITLE	DATE
INSTITUTION / FACILITY		TELEPHONE NUMBER

DISTRIBUTION:
COPY TO CENTRAL FILE - CONFIDENTIAL SECTION
COPY TO REGIONAL REENTRY COORDINATOR

Appendix D-3
California DOC "Undelivered Victim Notice" Documentation

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

UNDELIVERED VICTIM NOTICE
OF APPROVAL FOR COMMUNITY PRISONER MOTHER, WORK FURLOUGH OR RESTITUTION PROGRAM
P.C. 11155 - NOTICE TO VICTIM / NEXT OF KIN / IMMEDIATE FAMILY MEMBER
 (IX 1722 (4/91))

In compliance with Penal Code Section 11155(d), if victim notice of approval for placement in a community prisoner mother, work furlough or restitution program is returned undelivered, Department staff shall attempt to locate the victim using the means listed below. Staff shall complete this form (CDC 1722), staple it to the undelivered notice, and insert the materials in the **CONFIDENTIAL SECTION** of the central file. If a current address is discovered, Department staff shall send a new notice.

CDC NUMBER		INMATE'S NAME	
VICTIM / NEXT OF KIN / IMMEDIATE FAMILY MEMBER		VICTIM'S / NEXT OF KIN'S / IMMEDIATE FAMILY MEMBER'S TELEPHONE NUMBER (MARK N/A IF NOT AVAILABLE)	
DATE OF FIRST NOTICE		DATE NOTICE RETURNED UNDELIVERED	
DATE	INITIALS	INQUIRED FOR VICTIM'S / NEXT OF KIN'S / IMMEDIATE FAMILY MEMBER'S CURRENT ADDRESS WITH:	
		VICTIM / NEXT OF KIN / IMMEDIATE FAMILY MEMBER BY TELEPHONE	
		DIRECTORY ASSISTANCE	
		CDC VICTIM SERVICES - CDC CENTRAL OFFICE (916) 324-6737	
		LOCAL LAW ENFORCEMENT	
<input type="checkbox"/> No forwarding address discovered.		<input type="checkbox"/> Address discovered and new notice mailed on (date) _____	
		STREET OR MAILING ADDRESS	
		CITY, STATE, ZIP	
COMMENTS:			

SIGNATURE	TITLE	DATE
INSTITUTION / FACILITY		

DISTRIBUTION
 COPY TO CENTRAL FILE - **CONFIDENTIAL SECTION**
 COPY TO REGIONAL REENTRY COORDINATOR

**Appendix D-4
California DOC Victim Notification of Inmate Transfer to
Work Release Facility**

STATE OF CALIFORNIA
PER P.C. 11155 - NOTICE TO VICTIM / NEXT OF KIN / IMMEDIATE FAMILY MEMBER
CIDX 1715 (5/91)

ATTACHMENT C
DEPARTMENT OF CORRECTIONS

CONFIDENTIAL

TO: _____ FROM: _____
 [] [] DEPARTMENT OF CORRECTIONS []
 [] [] [] []

In compliance with Section 11155 of the California Penal Code, this is the notification you requested regarding the placement/parole of inmate _____
 CDC number _____. Please be advised that this inmate has been approved for and may be transferred to _____
 in _____ County at any time. Residents of the above named facility may be allowed to leave for employment, training or family visiting. This inmate is scheduled to be paroled on or after _____, 19____. Please note there are many contributing factors which determine a release date and a release date is subject to change.

Additional information regarding the placement/arrival of this inmate at the above named facility can be obtained by contacting the assigned Parole Specialist:

PAROLE SPECIALIST
PAROLE OFFICE
ADDRESS
CITY
TELEPHONE NUMBER

SIGNATURE	TITLE	DATE
FACILITY / REGION	TELEPHONE NUMBER	

DISTRIBUTION:
 COPY TO CENTRAL FILE - CONFIDENTIAL SECTION
 COPY TO PAROLE SPECIALIST

**Appendix D-5
California DOC Notice of Inmate Release to Parole**

STATE OF CALIFORNIA
CONFIDENTIAL NOTICE OF RELEASE TO PAROLE - PENAL CODE SECTION 3058.8
CDC 603-A (7/81)

DEPARTMENT OF CORRECTIONS

TO:

┌

└

FROM:

┌

└

┌ DEPARTMENT OF CORRECTIONS ─┐

└────────────────────────────────┘

The below identified inmate is scheduled for release to parole. This notification is provided at your request pursuant to Penal Code Section 3058.8.

INMATE'S NAME:		CDC NUMBER:
DATE OF RELEASE:	INMATE'S PROPOSED COMMUNITY OF RESIDENCE (IF APPLICABLE)	

REGIONAL PAROLE OFFICE	
STREET ADDRESS	
CITY	STATE
TELEPHONE NUMBER	

If you have any questions regarding this notification, please contact the institution or regional parole office.

NOTICE COMPLETED BY	DATE
---------------------	------

DISTRIBUTION: COPY TO CONFIDENTIAL SECTION - CENTRAL FILE

CONFIDENTIAL NOTICE

Appendix D-6
Telegram Notification of Inmate Escape

SAMPLE TELEGRAM

TO: _____
(Victim/Next-of-Kin)

ADDRESS: _____

This is to advise you that inmate

(Name) (CDC Number)

escaped from _____
(re-entry facility)

on _____. If you have any questions, you can
(date)

contact the Regional Re-Entry Coordinator at _____
(phone)

Monday through Friday, 8:00 a.m. to 5:00 p.m.

Signed: _____
OD's Name
Department of Corrections

DEPARTMENT OF THE YOUTH AUTHORITY

Offender Information Request

Victim's Name and Mailing Address

Name: _____

c/o: _____

Address: _____

City/State/Zip: _____

Phone No.: _____
(optional)

INSTRUCTIONS

Complete the information indicated in the box to the left and fill in the offender's name & number below: Indicate your request by checking one or more of the boxes "[]" below. Return the completed form in the envelope provided.

SEE REVERSE SIDE FOR

ADDITIONAL INFORMATION

Offender's Name: _____ YA #: _____
(The offender's name and YA # is shown on the letter that accompanied this form)

The above offender was committed to the Youth Authority by an **adult court** or by a **Juvenile Court** in a **hearing open to the public**. Based on the Victim Bill of Rights laws and California confidentiality laws related to the offender, you may receive any or all of the information listed below. Check the box(es) representing the information desired and return the form in the envelope provided.

Please notify me of the following; check all that apply:

- Each **facility** where the offender is housed while in the custody of the Youth Authority or if he is transferred to a non-Youth Authority facility.
- All actions taken by the Youthful Offender Parole Board related to setting the offender's parole date.
- Any time the offender is **considered** for day-pass eligibility within 50 miles of my home.
- Any time the offender is being **considered** for release from custody on furlough.
- The date(s) the offender is **scheduled** for release on day-pass or furlough.
- Any time, the offender **escapes** from custody.
- The date and approximate time of the hearing at any time the offender is to be **considered** by the Youthful Offender Parole Board for release on parole or on furlough which may terminate in release on parole.
 - I wish to appear** before the Youthful Offender Parole Board at the time of the offender's parole consideration hearing.
- When the offender is **released** from custody on parole.
- The date and basis for **discharge** of the offender from Youth Authority jurisdiction.

Signature: _____ Date: _____

An extra copy of this form is enclosed should you wish to notify the YA of a change in your address or requests.

DEPARTMENT OF THE YOUTH AUTHORITY

Allowable Offender Information

This offender was committed to the Youth Authority by an adult court or by a Juvenile Court in a hearing open to the public. Based on the Victim Bill of Rights laws and California confidentiality laws related to the offender, you may receive any or all of the information listed below.

You have a right to know the following:

Each **facility** where the offender is housed while in the custody of the Youth Authority or if he is transferred to a non-Youth Authority facility.

Any time the offender is **considered for day-pass eligibility** within 50 miles of your home. (A day-pass for this offender would be unusual, however, it is technically permissible after he has completed at least 2/3 of his expected confinement time and has demonstrated a prolonged period of responsible behavior. The offender will not have permission to travel more than 25 miles from the releasing facility without special authorization. The purpose of the day-pass is usually to reestablish family communication and relationships before release of the offender on parole.)

Any time the offender is being **considered for release from custody on furlough**. (A furlough is similar to a day-pass only for a longer period; usually a week or more. Sometimes a one to two day "emergency" furlough is granted to an offender to visit a dying parent or attend a funeral, if Youth Authority staff believe he will not try to escape.)

The date(s) the offender is **scheduled for release on day-pass or furlough**.

Any time, the offender **escapes** from custody. (Escape from Youth Authority custody is quite unlikely but does occasionally occur.)

The offender's **parole consideration date (PCD)**. This is the date the Youthful Offender Parole Board sets as a "target" parole release date each time the Board reviews the offender's case.

The date and approximate time of the hearing at any time the offender is to be **considered** by the Youthful Offender Parole Board for release on parole or on furlough which may terminate in release on parole. (If the Board approves the offender's parole, release usually occurs on the same day of the hearing or within 1 to 2 days.)

When the above named offender is **released** from custody on parole.

The date and basis for **discharge** of the offender from Youth Authority jurisdiction.

An Offender Information Request form is printed on the reverse side of this page, check the box(es) representing the information desired and return the form in the envelope provided; check all that apply. Note: If you request parole hearing date or escape notification it is important that you provide your telephone number in the box on the reverse side of this form

Appendix D-8
South Carolina Letter Regarding Probation Violation Hearing

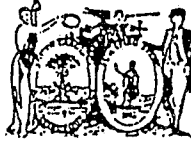
South Carolina Department of Probation, Parole, and Pardon Services

HON. RHETT JACKSON
CHAIRMAN
DISTRICT TWO

HON. LEE R. CATHCART
SECRETARY
DISTRICT FIVE

HON. WILLIE E. GIVENS, JR., D.D.
DISTRICT ONE

HON. RAYMOND J. ROSSI
MEMBER AT LARGE



MICHAEL J. CAVANAUGH
EXECUTIVE DIRECTOR

GRADY A. WALLACE,
COMMISSIONER

HON. DR. JERRY M. NEAL
VICE CHAIRMAN
DISTRICT THREE

HON. MARION BEASLEY
DISTRICT FOUR

HON. J. P. HODGES
DISTRICT SIX

ADDRESS: 2221 DEVINE STREET
P. O. BOX 50566
COLUMBIA, SC 29250

RE: VIOLATION NOTIFICATION
PROBATIONER:

Dear :

In compliance with your Victim/Witness Notification Request, we wish to notify you, as a victim or witness, of the impending Probation Violation Hearing in the case of the above designated individual.

The above mentioned action will occur on _____ at _____ (a.m./p.m.) The location of the hearing will be at _____

You are welcome to attend this hearing to personally make comments to the court relative to this matter or you may submit written statements by mail to this office if you prefer not to attend. You are under no legal obligation to respond in any manner and may totally disregard this notice if you desire. However, if you elect to attend the hearing, or have any questions, please notify me in writing, or call at _____

It is necessary for you to notify us in writing, providing us with any future changes of address and phone number, if you wish continued notification of impending actions in this case. If you choose not to notify us, we will presume that you have no further interest in this case and we will discontinue such notification to you.

Thank you for your interest in this matter.

Sincerely,

South Carolina Letter to Victim Regarding Disposition of Probation

South Carolina Department of Probation, Parole, and Pardon Services

HON. RHETT JACKSON
CHAIRMAN
DISTRICT TWO

HON. LEE R. CATHCART
SECRETARY
DISTRICT FIVE

HON. WILLIE E. GIVENS, JR., D.D.
DISTRICT ONE

HON. RAYMOND J. ROSSI
MEMBER AT LARGE



MICHAEL J. CAVANAUGH
EXECUTIVE DIRECTOR

GRADY A. WALLACE,
COMMISSIONER

HON. DR. JERRY M. NEAL
VICE CHAIRMAN
DISTRICT THREE

HON. MARION BEASLEY
DISTRICT FOUR

HON. J. P. HODGES
DISTRICT SIX

ADDRESS: 2221 DEVINE STREET
P. O. BOX 50666
COLUMBIA, SC 29250

Re: DISPOSITION NOTIFICATION
PROBATIONER:

Dear :

In compliance with your Victim/Witness Notification Request, we wish to notify you, as a victim or witness, of the following disposition in the case of the above designated individual.

- | | |
|--|---|
| <input type="checkbox"/> Probation Partially Revoked | <input type="checkbox"/> Probation Continued |
| <input type="checkbox"/> Probation Revoked in Full | <input type="checkbox"/> Probation Terminated |

The above mentioned action occurred on _____ at _____ (a.m./p.m.)

It is necessary for you to notify us in writing, providing us with any future changes of address and phone number, if you wish continued notification of impending actions in this case. If you choose not to notify us, we will presume that you have no further interest in this case and we will discontinue such notification to you.

If you have questions or concerns regarding the disposition of this case, please feel free to call me at _____

Thank you for your interest in this matter.

Sincerely,

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
PUBLIC AFFAIRS DIVISION
VICTIM/WITNESS NOTIFICATION PROGRAM
(803) 737-9313**

As a registered victim, witness, or victim family you are entitled by law to be informed when the convicted offender receives a temporary, provisional, or final release from custody or if the offender escapes from custody. Notification is not given when an inmate transfers to a different institution or has a change in custody level. However, a Telephone Status Check Service is provided. Call the Victim/Witness Notification Program Office at (803) 737-9313 for the inmate's location, custody level, and eligibility dates.

NOTIFICATION IS GIVEN FOR:

- *Community Work Program screening/approval*
- *Home Visit Furlough screening/approval*
- *Supervised Furlough releases for nonviolent offenders*
- *Emergency Furlough for funeral of relative or death-bed visit*
- *Educational Program screening/approval*
- *Unsupervised activity or approval to operate a motor vehicle outside the confines of S.C. Department of Corrections property*
- *Escape and Recapture*
- *Completion of sentence, "Max-out"*

PROGRAM RESTRICTIONS:

Under current Departmental policy, an inmate serving time for a sex offense is not eligible for the community work program, the extended community work program, or home visit furloughs. However, some offenders may be participating who were placed prior to the current policy. An inmate serving time for murder, drug trafficking or armed robbery is not eligible for the extended community work program. An inmate serving time for a violent crime as defined in the Omnibus Criminal Justice Improvements Act is not eligible for the community work program in the county where the crime was committed, but may work in another county.

THE OMNIBUS CRIMINAL JUSTICE IMPROVEMENTS ACT defines violent offenses as: Murder, Criminal Sexual Conduct first- and second-degree, Assault and Battery with Intent to Kill, Kidnapping, Voluntary Manslaughter, Armed Robbery, Drug Trafficking, Arson in the first degree, Burglary first- and second- degree with aggravating circumstances.

THE SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, a separate agency, is responsible for notification when an inmate has been scheduled to appear before the Parole Board, and if Parole is granted. The Department of Probation, Parole and Pardon Services is responsible for notification when an inmate is being considered for Emergency Powers Act Release, an early-release program to alleviate prison overcrowding. For more information: The South Carolina Department of Probation, Parole and Pardon Services, Post Office Box 50666, Columbia, SC 29250, Telephone: (803) 734-9367 for Victim Services; (803) 734-9244 main switchboard.

CHANGE OF ADDRESS:

Over the years your address and telephone number may change. For continued service, send your new address and telephone number in writing as changes occur. Contact is limited to the last known address and working telephone number.

Victim/Witness Notification Program
Public Affairs Division
South Carolina Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221

(803) 737-9313

May 1990

S.C. DEPARTMENT OF CORRECTIONS VICTIM/WITNESS NOTIFICATION REQUEST

To help the S.C. Department of Corrections be more responsive to victims, their families, and witnesses, please fill out this form and mail it to the address below. IF THE DEFENDANT HAS RECEIVED A SENTENCE OF MORE THAN 90 DAYS IN PRISON, you will be notified by the Department of Corrections in the event that he or she should escape, is being considered for some kind of community program or is to be released.

NAME OF PERSON REQUESTING NOTIFICATION _____

RELATIONSHIP TO VICTIM _____

INMATE'S NAME (DEFENDANT) _____

CHARGE _____ CHARGE PLEADED TO
OR CONVICTED OF _____

APPROXIMATE SENTENCING DATE _____ COUNTY _____

PLEASE PROVIDE ADDITIONAL INFORMATION ABOUT INMATE, IF KNOWN:

DATE OF BIRTH _____ SOCIAL SECURITY NUMBER _____

* * *

In the space below, please provide us with your statement of the crime. This is very important because it may be the only statement of the crime other than the offender's contained in the offender's record. However, he or she will not see it.

(feel free to use back of form)

Signature

YOUR HOME ADDRESS AND PHONE:

() _____

YOUR WORK ADDRESS AND PHONE:

() _____

MAIL TO:

Barbara Grissom
S.C. Department of Corrections
P.O. Box 21787
Columbia, S.C. 29221-1787 B-51



U.S. Department of Justice
Federal Bureau of Prisons

Program Statement

OPI : CORR
Number : 1490.2
Date : November 7, 1989
Subject : VICTIM AND WITNESS
NOTIFICATION

EFFECTIVE DATE: November 15, 1989

1. **[PURPOSE AND SCOPE §551.150.** The Bureau of Prisons provides a requesting victim and/or witness of a serious crime with information on the release from prison of the inmate convicted of that serious crime. This information is released pursuant to Public Law 97-291, Victim and Witness Protection Act of 1982, and to the Attorney General's July 9, 1983 Guidelines for Victim and Witness Assistance.]
2. **BACKGROUND.** Among other things, the Victim and Witness Protection Act of 1982 (VWPA) was enacted "...to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process..." With other Department of Justice components, the Bureau of Prisons will help ensure this provision is accomplished. Specifically, the Bureau has established standard procedures to be followed in responding to requests from a victim and/or witness (VW) who wishes to be notified regarding a specific inmate's release and/or release proceedings.
3. **DIRECTIVES RESCINDED.** P.S. 1490.1, Victim and Witness Notification, dated May 1, 1984.
4. **DIRECTIVES REFERENCED.**
 - a. P.S. 5553.3, Escapes/Deaths: Notification to Judges, U.S. Attorney, U.S. Probation Officers, State/Foreign Officials, and Victim/Witnesses.
 - b. P.S. 5321.3, Unit Management Manual.
 - c. P.S. 5180.2, Central Inmate Monitoring System.
 - d. P.S. 5280.3, Furloughs.
 - e. P.S. 7333.2, CTC Referral and Transfer Procedures.
 - f. P.S. 3906.9, Training Standards.
 - g. Attorney General Guidelines for Victim and Witness Assistance, July 9, 1983.
 - h. Victim and Witness Protection Act of 1982, Public Law 97-291.
 - i. Rules cited in this Program Statement are contained in 28 CFR 551.150-153.

[Bracketed Bold - Rules]

Regular Type - Implementing Information

B-52

5. [DEFINITIONS §551.151.

a. For purpose of this rule, "victim" is generally defined as someone who suffers direct or threatened physical, emotional, or financial harm as the result of the commission of a crime. The term "victim" also includes the immediate family of a minor or a homicide victim.

b. For purpose of this rule, "witness" is defined as someone who has information or evidence concerning a crime, and provides information regarding this knowledge to a law enforcement agency. Where the witness is a minor, the term "witness" includes an appropriate family member. The term "witness" does not include defense witnesses or those individuals involved in the crime as a perpetrator or accomplice.

c. For purpose of this rule, "serious crime" is defined as a criminal offense that involves personal violence, attempted or threatened personal violence or significant property loss.]

The preceding definitions are taken from the Guidelines for Victim and Witness Assistance signed by the Attorney General on July 9, 1983.

[d. For purpose of this rule, the term "release" refers to an inmate's furlough, parole (including appearance before the Parole Commission), transfer to a community corrections center, mandatory release, expiration of sentence, escape (including apprehension), death, and other such release-related information.]

e. For purpose of this rule, the term "unit manager" and "Warden" may also be the community corrections manager for those inmates in federal custody but housed in a state facility or a community corrections center. Also, the responsibility for the implementation of the procedures set forth in this Program Statement may not be delegated below the department head level.

6. VICTIM/WITNESS COORDINATOR (BOP). The Chief, Inmate Financial Responsibility/Victim-Witness Program, Correctional Programs Branch, Central Office, is designated as the Victim/Witness Coordinator (VWC) for the Bureau of Prisons. The VWC will be the resource person for all Bureau staff, other components of the Department of Justice, other law enforcement agencies, and the public.

7. INSTITUTION VICTIM/WITNESS COORDINATOR. Each institution is required to have a Victim/Witness Coordinator as selected by the Warden. The institution VWC is responsible for monitoring, via the Daily Log, inmates designated in SENTRY as "VWP" (Victim/Witness Program) and for providing information during training (e.g., Institution Familiarization, Annual Refresher Training) regarding staff responsibilities in carrying out the provisions of this Program Statement.

8. WITNESS SECURITY INMATES. In the case where an inmate may be designated as a "VWP" and may also be a witness security case, ALL notification procedures as established by this Program Statement will be initiated and coordinated by the Victim/Witness Coordinator and the Inmate Monitoring Branch, Central Office.

9. [PROCEDURES §551.152.

a. A victim and/or witness of a serious crime who wants to be notified of a specific inmate's release must make this request to the United States Attorney in the district where the prosecution occurred. Requests for notification received by the Bureau of Prisons directly from a victim and/or witness will be referred to the U.S. Attorney in the district of prosecution for approval.]

The U.S. Attorney will forward all requests for notification directly to the VWC in the Central Office. Upon verification of the inmate's commitment to federal custody, as well as his/her institution of confinement, the VWC will enter the inmate in SENTRY under the CMA assignment "VWP". The VWC will then forward the request for notification to the Warden of the institution where the inmate is confined or designated. If the inmate has been transferred to another institution by the time the request for notification is received, the Warden shall forward the request to the appropriate facility or return it to the VWC if the facility cannot be determined.

Any request for notification forwarded by the U.S. Attorney directly to an institution is not to be processed in accordance with the procedures outlined in this Program Statement. Institution staff are to immediately notify the VWC, Central Office, of any request received directly from the U.S. Attorney.

[b. Institution staff shall promptly notify the victim and/or witness when his or her request for notification has been received. Staff shall advise each approved victim and/or witness of that person's responsibility for notifying the Bureau of Prisons of any address and/or telephone number changes.]

A letter signed by the Warden (Attachment 1) shall be prepared by the unit manager within five (5) working days upon receipt of the request for notification from the Assistant Director, Correctional Programs Division, Central Office. The purpose of this letter is to provide the victim and/or witness with instructions on how they may be kept apprised of an inmate's location as well as their responsibility on keeping the Bureau informed of any changes in their address or telephone number. Included in this letter will be a "Toll-Free" number for the victim and/or witness to call should they have any questions or concerns regarding this program. This number will be provided to Wardens via SENTRY and is not to be disclosed to any inmate or unauthorized third party request.

c. The unit manager shall place the notification request and a copy of the letter signed by the Warden in the FOI-Exempt, Section I, of the inmate's central file. The identity of a victim and/or witness must not be disclosed to the inmate or any unauthorized third party at any time, nor will there be any markings, rosters, or notations outside the FOI-Exempt Section of the central file. At no time is an inmate to be advised that he/she has been designated as a "VWP" case. If institution staff believe the identity of a victim and/or witness has been compromised, the VWC, Central Office, is to be notified immediately.

d. The unit manager is responsible for keeping a victim and/or witness notified of an inmate's release and/or release proceedings as follows:

(1) Release to Community - Notification to a victim and/or witness pertaining to an inmate's release to the community (e.g., parole, mandatory release, expiration of sentence, etc.) will be accomplished through the use of the Victim and Witness Notice (Attachment 2), BP-323 (previously BP-IS-160). The BP-323 will be forwarded to the victim and/or witness 60 days prior to the inmate's release unless unusual circumstances do not permit advance written notification. Telephone contact shall be made when the inmate's release is unexpected and immediate (i.e., court ordered release, etc.).

(2) Transfer to a Community Corrections Center (CCC) - Notification of the inmate's transfer to a CCC will be forwarded to the victim and/or witness by the unit manager, utilizing the BP-323 (Victim and Witness Notice). When it appears that written notification of the transfer will not arrive in advance, telephone contact shall be made. For all CCC transfers, the date, type of eventual release, and any other related data shall also be furnished to the victim and/or witness, thus serving as the final notification of release; e.g., parole, MR, etc.

It is also the responsibility of the unit manager to forward a copy of the BP-323 to the community corrections manager (CCM) upon verification the inmate has been accepted for placement in the CCC. The BP-323 will include the name, address and telephone number (if available) of the victim and/or witness. This information will be utilized by the CCM for notifying the victim and/or witness of the inmate's activities; e.g., furlough, escape, death, etc., subsequent to his/her transfer to the CCC. Further, this information will be maintained by the CCM and is NOT to be forwarded to CCC staff. It will not be necessary for the CCM to provide the victim and/or witness with the final notification of the inmate's release to the community (see above).

(3) Furlough - Every attempt should be made to notify the victim and/or witness in writing, utilizing the BP-323, prior to the inmate's release on furlough. If circumstances do not permit advance written notification, as in the case of an emergency furlough, telephonic contact shall be made. If it is determined that telephonic contact is necessary, the information pertaining to the furlough on the BP-323 must be verbally furnished to the victim and/or witness.

(4) Death - Unless circumstances dictate otherwise, the BP-323 will be utilized to notify a victim and/or witness of the death of an inmate.

(5) Escape - It is the responsibility of the unit manager to notify a victim and/or witness by telephone of the date and time of an inmate's escape, as soon as possible after the escape is discovered. If telephonic contact with the victim and/or witness cannot be accomplished, the unit manager shall contact the VWC, Central Office, for assistance. If the escape occurs during an unescorted transfer, the sending (transferring) facility has the responsibility for notification. If the escape occurs while the inmate is in a community corrections center or housed in a state facility, the community corrections manager is responsible for notification. The VWC, Central Office, is also to be notified as soon as possible following an inmate's escape and/or apprehension. Attachment 7 provides additional guidelines for staff to follow in the event of an escape.

(6) TRANSFERS - If an inmate is transferred to another facility during his/her period of incarceration, the victim and/or witness will be notified of the most current location for that specific inmate. This includes any inmate transferred from a Bureau of Prisons' facility to a state facility for boarding purposes. A letter signed by the receiving Warden (Attachment 3); or the CCM for those inmates housed in state facilities, will be forwarded to the victim and/or witness within 14 days of the inmate's admission to the facility.

The unit manager will notify the VWC, Central Office, of all inmate releases and/or release proceedings which require victim and/or witness notification. Ordinarily, this will be accomplished by forwarding a copy of the BP-323 to the VWC. However, in the case of an emergency or when time constraints do not allow for written notification, the VWC shall be contacted by telephone or electronic mail.

e. Once an inmate's parole eligibility (indeterminate sentence) or good conduct time (CCCA) release is determined, the BP-323 is to be forwarded to the victim and/or witness. This notification should normally occur within 45 days of the inmate's initial commitment to a facility. When a VWP inmate is scheduled for any parole hearing, the unit manager shall notify the victim and/or witness as soon as the inmate is added to the tentative parole docket (Attachment 4).

In those cases where a victim and/or witness advises staff that he/she plans to appear in person for an inmate's parole hearing, separate waiting and parole hearing facilities shall be made available to reduce the possibility of unwanted contact with the inmate.

The unit manager shall also prepare a memorandum to the U.S. Parole Commission (Attachment 5) indicating there is a victim and/or witness (not to be specifically identified) who may wish to make comments or plan to be present at the hearing. For initial hearings, this memorandum will be placed on top of Section I of the mini-file. For all other hearings, the memorandum will accompany the review material given to the examiners prior to the hearing.

f. As stated previously, the BP-323 shall be used to provide notification to a victim and/or witness regarding an inmate's release and/or release proceedings in those instances when telephonic contact is not required or cannot be accomplished. All correspondence forwarded to a victim and/or witness, including the BP-323, shall be sent via certified mail, return receipt requested. At no time, however, will the inmate's name or register number be noted on the receipt. Once the receipt is returned to the institution, it is to be filed in the FOI-Exempt, Section I, of the inmate's central file.

g. All contacts (e.g., telephone, certified mail, etc) with a victim and/or witness, including unsuccessful contact attempts, shall be documented on the Victim/Witness Notification Record (Attachment 6). This record, which may be reproduced locally, will be filed in the FOI-Exempt, Section I, of the inmate's central file. The information contained in this record is not to be disclosed to the inmate or any unauthorized third party request.

h. The unit manager of the receiving facility shall notify the victim and/or witness of an inmate's return as a parole violator, probation violator (split sentence only), or CCC failure. This notification may be by telephone, memorandum, or by utilizing the BP-323, Section #9. If no answer is received from the victim and/or witness within 60 calendar days, the prior request for notification shall be cancelled (see below).

10. [CANCELLING THE NOTIFICATION REQUEST \$551.153

a. A victim and/or witness may request cancellation of the notification by contacting either the Bureau of Prisons or the U.S. Attorney from the prosecuting district. The Bureau of Prisons shall notify the victim and/or witness that his or her request for notification has been cancelled.]

[b. Bureau of Prisons staff may cancel a notification request when the victim and/or witness has not responded within 60 calendar days to a Bureau of Prisons inquiry concerning whether the victim and/or witness wishes to continue receiving notification of the inmate's release(s).]

Prior to cancelling the notification request, staff must document (Attachment 6) all efforts to contact the victim and/or witness, as well as the reason(s) for the attempted contact (i.e., inmate returned as a parole violator). At least one of the attempted contacts must be via certified mail, return receipt requested. Staff are encouraged to contact the VWC, Central Office, for assistance regarding any unsuccessful attempt to contact a victim and/or witness. The request for notification will be cancelled only after all attempts to contact the victim and/or witness (i.e., via the U.S. Attorney's office, etc.) have been exhausted. The CMA assignment "VWP" may be deleted only by the Victim/Witness Coordinator, Central Office.

[c. A notification request by a victim and/or witness ordinarily terminates when the inmate has completed service of the sentence for the serious crime which resulted in the request for notification.]

11. STAFF NOTIFICATION. Any Bureau of Prisons' employee may request notification proceedings as established by this Program Statement. Requests for notification by staff (utilizing Attachment 8, Staff Request for Victim/Witness Notification) shall be forwarded to the Warden who will provide any relevant comments. The Warden will forward the request to the Assistant Director, Correctional Programs Division, Central Office. Staff are to provide the requested information to the fullest extent possible in order to expedite the request. To be included in the notification process, staff must meet the criteria established for "victim" OR "witness" AND "serious crime" as defined in paragraph 5(a), 5(b), and 5(c) of this Program Statement. Ordinarily, the inmate must have been prosecuted for the crime in a U.S. District Court. However, in those cases where a staff member has been the victim and/or witness of a serious incident; e.g., assault, hostage, etc., and the inmate was not prosecuted, a request for notification may also be forwarded to the Warden. In either case, the inmate MUST be serving a federal sentence or under the jurisdiction of the Bureau of Prisons. The Assistant Director, Correctional Programs Division, is the final approving authority for victim and/or witness notification involving staff.

12. TRAINING. All Bureau of Prisons employees are to be provided information and training on staff responsibilities in carrying out the provisions of this Program Statement. This training will be incorporated in the Basic Introductory Training for new employees at GLYNCO and as part of Annual Refresher Training at all Bureau facilities. All key staff involved with this program should be encouraged to complete the victim/witness case management training module.

13. PUBLIC RELATIONS. Bureau of Prisons staff are encouraged to maintain a high degree of professionalism and sensitivity at all times when dealing with victims and/or witnesses. Suggested guidelines for staff may be found in Attachment 7 of this Program Statement.

14. SENTRY RESPONSIBILITY. The CMA assignment of "VWP" will be entered and monitored for all applicable inmates by the VWC, Central Office. No other Bureau staff are authorized to enter or delete this assignment.

15. PROGRAM REVIEW RESPONSIBILITIES. Regional Correctional Programs Administrators shall audit institutional compliance of this Program Statement during Regional Program Reviews. The Warden of each institution will select appropriate staff to conduct Operational Reviews.

16. INSTITUTION SUPPLEMENT. Each institution shall develop an Institution Supplement detailing procedures for implementing the provisions of this Program Statement. A copy of the Institution Supplement is to be forwarded to the respective Regional Correctional Program Administrator and the Victim/Witness Coordinator, Central Office.

17. PRESENTENCE, PRETRIAL AND HOLDOVER DEFENDANTS. Responsibility for notifying a victim and/or witness regarding a defendant who is in presentence, pretrial or holdover status (including all inmates committed for study and observation purposes) rests solely with the U.S. Attorney's office in the district of prosecution or the agency investigating the current offense.


J. Michael Quinlan
Director

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

ATTACHMENT 1
1490.2
November 7, 1989

(TO BE PREPARED ON INSTITUTION STATIONERY)

RE:

Dear:

We have received your request to be notified regarding the release and/or release proceedings of the above-referenced inmate. We fully recognize that the impact of crime is devastating to innocent victims, witnesses and their families. Therefore, we will make every effort to be responsive, informative and sensitive to your request. Your current address and telephone number have been provided to us by the U.S. Attorney's office in the district where the inmate was prosecuted. If this information is incorrect or if there are future changes in your address or telephone number, please advise us in writing of those changes. This information should be sent to the Bureau of Prisons' Victim/Witness Coordinator, Correctional Programs Branch, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

We will make every effort to insure your request for notification remains confidential. However, if this inmate learns through other means that you have made this request and threatens or attempts to intimidate you in any manner, please notify both the U.S. Attorney in the district where the inmate was prosecuted and the Bureau of Prisons' Victim/Witness Coordinator.

You may cancel your request for notification at any time by contacting either the Bureau of Prisons' Victim/Witness Coordinator or the U.S. Attorney from the prosecuting district. Secondly, your request may be cancelled if you do not respond within 60 calendar days to any subsequent inquiries pertaining to this notification. Finally, a notification will ordinarily terminate when the inmate has completed service of the sentence for the crime which resulted in your request for notification.

Please be assured that, unless otherwise requested, we will keep you apprised of all significant release related activities pertaining to this inmate during the period of incarceration. If at any time you have any questions or concerns regarding this program, please do not hesitate to contact the Bureau's Victim/Witness Coordinator at the following "Toll-Free" number: _____.

Sincerely,

Warden

cc: * FOI-Exempt, Section I, Inmate Central File
Victim/Witness Coordinator, Central Office

VICTIM AND WITNESS NOTICE

TO: (Address and Telephone Number)	FROM: (Name, Institution, Address, and Telephone Number)
Name of Inmate	
Register Number	
1. <input type="checkbox"/> Inmate (is) (is not) eligible for parole on:	2. <input type="checkbox"/> Inmate is eligible for release on parole at the discretion of the United States Parole Commission.
3. <input type="checkbox"/> Inmate is on furlough from: _____ to: _____	(Destination City and State)
4. <input type="checkbox"/> Inmate is being transferred to a community corrections center. The name of the center is _____ located in (City and State) _____ Following a stay at the community corrections center, the inmate is scheduled for (Type of Release) _____ on (Date) _____	
5a. <input type="checkbox"/> Inmate's release date	5b. <input type="checkbox"/> Inmate's method of release
5c. <input type="checkbox"/> Inmate's release is under no community supervision (including no probation).	
5d. <input type="checkbox"/> Inmate's destination city or sentencing district is:	5e. <input type="checkbox"/> Inmate's Supervising United States Probation Office is:
6. <input type="checkbox"/> Inmate is deceased. (Date of Death)	7. <input type="checkbox"/> Inmate has escaped. (Date and Time of Escape)
8. <input type="checkbox"/> Inmate was apprehended from escape on:	(Inmate's Designation)
9. <input type="checkbox"/> Other:	
10. <input type="checkbox"/> Your request for notification of inmate's release is being forwarded to the United States Attorney. A request for inmate's release information by a victim or witness must be approved by the U.S. Attorney in the district of prosecution.	
11. <input type="checkbox"/> We have cancelled your request to be notified of this inmate's release for the following reason:	
Title	Signature of Unit Manager
Date	
For questions, contact: (Name, Address, Telephone Number)	

Original - Victim/Witness
Blue - V/W Coordinator, Central Office
Goldenrod - POI - Exempt, Sec I

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

ATTACHMENT 3
1490.2
November 7, 1989

(TO BE PREPARED ON INSTITUTION STATIONERY)

RE:

Dear:

Our records reflect you have previously requested to be notified regarding all significant releases and release-related activities pertaining to the above-referenced inmate. This is to inform you that inmate _____ was recently transferred to our facility.

Unless otherwise requested, we will continue to keep you apprised of all future releases and/or release proceedings regarding this inmate.

Please be assured that we will continue to make every effort to remain responsive and sensitive to your request. Should you have any questions or concerns, please do not hesitate to contact this facility at the above address or the Bureau of Prisons' Victim/Witness Coordinator, Correctional Programs Branch, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

Sincerely,

Warden

cc: FOI-Exempt, Section I, Inmate Central File
Victim/Witness Coordinator, Central Office

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

ATTACHMENT 4
1490.2
November 7, 1989

(TO BE PREPARED ON INSTITUTION STATIONERY)

Dear _____

As requested, this is to notify you that _____,
an inmate at this facility, is scheduled for an initial/review
parole hearing tentatively scheduled for _____.
If you wish to submit written comments to be considered by the
parole hearing examiners, please send your comments no later than
_____ to the following address:

U.S. Parole Commission
Regional Office

If you so desire, you may mail your comments directly to this
institution. In any case, if you wish that your comments to the
Parole Commission remain confidential, you must specifically
request so in your correspondence.

Please keep in mind that the information which you gave to
the U.S. Probation Officer for the Victim Impact Statement in the
presentence investigation report will be carefully considered by
the U.S. Parole Commission.

You should also be advised that Parole Commission
regulations permit interested parties to appear before, and to
offer a statement at, the parole hearing. If you desire to do
this, you may contact me at (Area Code & Telephone Number) or
write me at this institution. Unless the Parole Commission finds
cause to withhold permission for your attendance, we will advise
you of the date and time for the hearing, and arrange the
necessary security precautions for your visit.

Please understand that the scheduling of a parole hearing at
this time is required by law or regulation and does not signify
or imply that actual release on parole will result. The Parole
Commission, at an initial parole hearing, will establish an
appropriate guideline range for the inmate. This guideline range
can be found in Title 28 Code of Federal Regulations (CFR) §2.20.
Only if parole appears appropriate for any time within the next
15 years will the Commission set a presumptive parole date.
Alternatively, the Commission may deny parole altogether or order
a 15 year reconsideration hearing. The Commission's decision may
be within the guideline range, or it may be above or below the
guideline range if the Commission finds "good cause". An initial
parole hearing may be held prior to an inmate's eligibility date;
however, the Commission is not permitted by statute to order a
release before this date.

Statutory interim (review) hearings are for the sole purpose of considering any changes which may have occurred since the inmate last appeared before the Commission. The merits of any prior parole hearing will not be reconsidered, but the release decision itself may be changed if new events or new significant information warrant a change. You should be aware that regardless of the type of parole hearing, the Commission takes into account both the seriousness of the offense committed, including all surrounding circumstances, and the risk the inmate may pose to the public welfare.

If you have any questions concerning the parole process, please write to the U.S. Parole Commission Regional Office at the above address, or contact them by telephone at (____)_____. You may also request the Parole Commission keep you informed of any future decisions in this case, even though you may have no comments to submit.

Sincerely,

Unit Manager

cc: FOI-Exempt, Section I, Inmate Central File
Victim/Witness Coordinator, Central Office
U.S. Parole Commission, Regional Office

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

ATTACHMENT 5
1490.2
November 7, 1989

DATE:

REPLY TO
ATTN OF: _____, Unit Manager

SUBJECT: Victim/Witness Notification

TO: U.S. Parole Commission/Mini-File (Section I)
Regional Office

RE: (NAME) _____

(NUMBER) _____

(INSTITUTION) _____

The above-referenced inmate is subject to the provisions of the Victim and Witness Protection Act of 1982 (Public Law 97-291). This inmate is scheduled for a hearing before the U.S. Parole Commission during the week of _____.

All victims and/or witnesses have been notified of this hearing. They have also been advised that they may appear before, and offer a statement at, this hearing or send comments to your office for consideration prior to this hearing. If requested, these comments may be kept confidential from the inmate.

This information is being provided for informational purposes only. There is no obligation for your agency to contact any victim and/or witness. If you have any questions regarding this case, please contact myself or the case management coordinator at the following number (FIS): _____.

cc:FOI-EXEMPT, SECTION I, Inmate Central File

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

ATTACHMENT 6
1490.2
November 7, 1989

VICTIM/WITNESS NOTIFICATION RECORD
(File in FOI-EXEMPT, Section I)

Inmate's Name: _____
Register No. : _____

DATE	INSTITUTION	PERSON CONTACTED/REASON	* METHOD	** SIGNATURE OF STAFF MEMBER

* Including unsuccessful contact attempts
** E.G., certified mail, telephone, etc.

GUIDELINES FOR CONTACT WITH VICTIMS/WITNESSES

1. INTRODUCTION - The impact of crime is devastating to innocent victims, witnesses and their families. In addition to the physical injuries and the financial loss, the victim and/or witness is further scarred with the emotional loss of one's sense of dignity, security, and trust in other human beings. Therefore, it is imperative that all law enforcement agencies, including the Bureau of Prisons, be sensitized to the rights and needs of all victims and witnesses. Accordingly, all contacts with a victim and/or witness by Bureau staff are to be conducted so as to demonstrate our desire to be helpful, informative and sensitive to that person's needs.

2. PROCEDURES

a. The victim and/or witness will first be contacted by the appropriate Assistant U.S. Attorney (AUSA) or LEOC/Victim Witness Coordinator, who will describe the Bureau's notification program and determine if he/she desires to participate. If so, the AUSA will notify the Bureau of Prisons' Victim/Witness Coordinator, Central Office. This notification will indicate the name of the inmate (defendant), date of sentencing, and other identifying data if available. The notification will also include the full name, address and telephone number of the victim and/or witness requesting notification. This information will then be forwarded to the Warden at the institution where the inmate is confined or designated for confinement. If the inmate is a witness security case, the notification procedures outlined in this Program Statement will be accomplished by the Victim/Witness Coordinator and the Inmate Monitoring Branch, Central Office.

b. Within five (5) working days of receiving this notification, the Warden shall write the victim and/or witness and advise them that their request for notification has been received and is being processed. This letter will be prepared individually on institution stationery and sent via certified mail, return receipt requested.

c. Once an inmate's parole eligibility is established (normally within 45 days), the unit manager will forward a notification (BP-323) to the victim and/or witness. When an inmate is placed on the parole docket and scheduled for a hearing, Attachment 4 will be prepared on institution stationery and forwarded to the victim and/or witness. The intent of this letter is to inform the victim and/or witness of the inmate's parole hearing as well as to describe the parole process. It is also for the purpose of notifying the victim and/or witness that any comments they may have regarding the inmate's parole should be submitted to the U.S. Parole Commission prior to the hearing. If the victim and/or witness chooses to appear in person for the hearing, they are instructed to contact the institution Victim/Witness Coordinator at the appropriate facility. If it is believed that the victim's and/or witness's appearance at a parole hearing would be disruptive to the institution, special arrangements should be made; i.e., arranging for the victim/witness to be interviewed by the Parole Examiners in a different area of the institution.

d. The BP-323 will be utilized to notify a victim and/or witness of an inmate's release and/or release proceedings, death or escape. When contact by mail is not feasible due to time constraints, contact will be made by telephone. In all cases of telephonic contact, the Victim/Witness Notification Record (Attachment 6) is to be completed. This record is to include all contacts, both successful and unsuccessful, written and oral, with the victim and/or witness. All correspondence with the victim and/or witness, including all attachments to this Program Statement, is to be maintained in the FOI-EXEMPT, Section I, of the inmate's central file.

One of the most sensitive notifications to a victim and/or witness is that of an escape. Staff are encouraged to be responsive, professional and receptive throughout this notification process. The victim and/or witness is to be provided with as much information as possible including the date, time and place of escape. The victim and/or witness should also be instructed to contact local law enforcement agencies; e.g., AUSA, U.S. Marshals, FBI, etc., if they have any concerns or information regarding the escape of the inmate.

Any agency apprehending an escaped prisoner is to immediately contact the institution where the escape occurred. In those cases, the institution is to promptly notify, by telephone, the victim and/or witness. It is extremely important that the victim and/or witness does not continue to believe that the inmate is still in "escape status", when in fact the inmate has been returned to custody. It is not necessary for the escapee to be returned to the original institution, or even to federal custody, before notifying the victim and/or witness. However, once the inmate is recommitted, the unit manager at the institution which receives the escapee shall notify the victim and/or witness by telephone or by utilizing the BP-323. The WVC, Central Office, is also to be notified as soon as possible following an inmate's escape and/or apprehension.

e. The purpose of notifying a victim and/or witness of the release and/or release proceedings of an inmate is to alert them that the activity will or may take place. Occasionally, a victim and/or witness may express concern about, or object to, the inmate participating in a special activity; e.g., furlough, CCC, etc. These concerns should be given serious consideration, but may not be the controlling factor in disapproving that activity.

DATE:

REPLY TO
ATTN OF:

SUBJECT: Staff Request for Victim/Witness Notification

TO: _____
Warden

In accordance with Program Statement 1490.2, Victim and Witness Notification Program, I am requesting notification of all release related activities relative to the below named inmate. I understand that every effort will be made to ensure this request for notification remains confidential and the information provided will not be released to the inmate or any unauthorized staff. If at any time I believe my identity has been compromised, I will immediately contact the VWC, Central Office.

STAFF REQUEST FOR VICTIM/WITNESS NOTIFICATION

If you were the victim or witness of a serious crime and the inmate was prosecuted as a result of this crime, please provide the following information:

Inmate's Name & Number: _____

Offense & Sentence: _____

Sentencing District: _____

Date of Sentencing: _____

Note: Please enclose any additional comments, information and documentation you may have pertaining to this request.

If you were the victim or witness of a serious incident and the inmate was not prosecuted, please provide the following information:

Inmate's Name & Number: _____

Date & Place of Incident: _____

Note: Please enclose any additional comments, information and documentation you may have pertaining to this request.

Appendix D-12 : South Carolina Program Directive for Victim Notification

S.C. DEPARTMENT OF PROBATION,
PAROLE, AND PARDON SERVICES

Page 1
01/01/90

DIRECTIVE # COM.5

TAB: COMMUNICATIONS (COM)

SUBJECT: Victim/Witness Bill of Rights

Policy

The Department shall provide victims/witnesses the opportunity to exercise their rights as specified by law. Agents-in-Charge shall implement procedures to allow for the notification of victims/witnesses of any post-sentence hearing affecting the probation or parole of an offender, and of the victim's right to attend such hearings. Agents-in-Charge shall insure that Victim Impact Statements (as available through the Solicitor) are obtained immediately following intake or sentence action.

Procedures

1. Victim Impact Statements (as available through the solicitors) are to be routed as follows:

- A. Defendants Placed on Probation: Victim Impact Statement (Exhibit A) shall be placed in client's local file.
- B. Defendants Sentenced to Incarceration who may eventually be placed under Supervision of Probation, Parole, and Pardon Services: Victim Impact Statements will be sought from the Solicitor's Office and retained in the county office. A copy of the statement shall be sent to the Victims Services Liaison in the Central Office. The Victims Services Liaison will forward the statement to SCDC for placement in the computer.
- C. Probation Revocations: A copy of Victim Impact Statement shall be sent to the Victims Services Liaison in the Central Office. The Victims Services Liaison will forward the statement to SCDC for placement in the computer.
- D. Pre-Parole Investigations: A copy of Victim Impact Statement shall be sent with Pre-Parole Investigation materials to Case Coordinator in Central Office Parole and Pardon Division.

2. Probation Revocation Hearings:

- A. Unless there is a judicial determination to restrict attendance, a victim/witness who has filed a victim notification request should be notified in writing (Form #85A) and afforded an opportunity to appear at post sentence hearings affecting the offender's probation, and be notified of the disposition immediately following all proceedings.
- B. If time did not allow for the above notification prior to the hearing, it shall be the agent's responsibility to notify the victim in writing (Form #85B) of the disposition immediately following the hearing.

3. Client Records:

- A. All contacts or attempts to contact a victim by telephone shall be logged on the client's field sheet immediately following the phone call. Recorded information will include, but not be limited to, date, time, number called, person contacted and summary of the victim's interest in the case. The above information shall be presented to the presiding judge at all revocation hearings.

4. Parole Hearings:

- A. All victims and witnesses of crime will be given thirty (30) day notice by the Parole Notification Section of Parole Board hearings and will be invited to attend an inmate's parole hearing. (Exhibit B) A victim's comments may also be presented in writing to the Parole Board.
- B. Only victims and witnesses of the crime which resulted in the offender's incarceration will be notified of parole hearings. Any other person may appear at a parole hearing.
- C. Each victim/witness will be allowed to bring a maximum of three (3) persons (excluding an attorney) to an inmate's parole hearing. Limitations or exceptions to this guideline will be considered on an individual basis.

- D. The Victims Services Liaison and/or Coordinator of Victims Services will attend weekly parole hearings to assist victims/witnesses on any parole or pardon matter. The Coordinator will act as back-up when the Victims Services Liaison is unavailable. Victims/witnesses in opposition will be separated from the inmate by sight and a specific, separate geographical area will be designated for them. Victims/witnesses in opposition will be escorted to the hearing room in a manner which will cause the least possibility of confrontation with the inmate. Victims/Witnesses who attend parole or pardon hearings will be treated with dignity and respect.
- E. Parole cases which involve victims will be heard on a priority basis and as early in the hearing process as practical. If the Board denies parole to an inmate before hearing from the victim/witness, the victim/witness will be so notified by the Board. If the victim/witness still desires to be heard or present documents on the matter, he/she shall be given a reasonable amount of time by the Chairman to do so.
- F. Victims/witnesses who request to be notified of the Board's decision regarding an inmate's parole will be notified as such by the Victims Services Liaison.

5. Parole Revocation Hearings:

- A. The hearing officer should notify victims/witnesses who have filed a victim/witness notification request of their right to attend a preliminary hearing, when the subject/inmate is charged with violating the conditions of his/her parole agreement.
- B. If there is probable cause to bring the subject/inmate before the Board for a parole revocation hearing, the victim/witness shall be notified of the date and time of scheduled hearing by the hearing officer, and will be notified of his/her right to be present.

6. EPA II Opposition Hearings

- A. All victims/witnesses who have filed a victim notification request with the SC Department of Probation, Parole, and Pardon Services will be notified upon any given inmate's consideration for release under EPA II regulations and will have the opportunity to express their support and/or opposition to the inmate's release.

The Victims Services Liaison will review a list of all EPA II candidates eligible for release who have victims and/or witnesses who have filed a victim notification request and will notify each victim/witness of his/her right to object to the release of the inmate. All letters of notification to victims/witnesses will be sent by certified mail, with a return receipt requested, and victims/witnesses will have fourteen (14) days from the date of their receipt of the letter to express their opinions about the inmate's release to the Victims Services Liaison. If no objection is received, the inmate will be considered for release as scheduled by the Parole Examiner's Section.

- B. If the victim/witness registers opposition to the release of the inmate within the fourteen (14) day time period, the Victims Services Liaison will immediately notify the Chief Hearing Officer by memorandum of the objection by the victim/witness and will attach any letters, supporting documents, etc. received from the victim/witness to the memorandum. A copy of the memorandum will be forwarded to the Deputy Director for Paroles and Pardons. The Victims Services Liaison will request that the Chief Hearing Officer conduct a hearing to receive victim/witness input and that the results of that hearing (including recommendations for or against release) be reported to the Victims Services Liaison.
- C. Subsequent to the informal hearing for victim/witness opposition, the Parole Board will make its findings after reviewing the transcript of the informal hearing and hearing victim opposition and will determine whether the inmate will be released. The Victims Services Liaison will be responsible for notifying the victims/witnesses who filed a notification request of the Board's findings within two (2) business days of the Board hearing and will also notify the Deputy Director for Parole Examinations of the same.

7. Disclosure of Information to Victims

- A. Only information which is considered public information may be released to a victim/witness or other person upon request. (Please see Directive #COM.3, page 3.) Additional information can be released only by permission of the Executive Director of the Department, or the Deputy Executive Director. For exemptions to disclosure, see Directive # COM.3, page 4, Item C.
- B. Information obtained by DPPPS staff from a victim regarding an offender's probation or parole shall be treated confidentially as a part of the agency's investigation process. Information presented by a victim/witness at the Board/Court hearing will be considered to be a part of the public record of the Board/Court's proceedings and can be disseminated to anyone as part of the public record of the Court/Board's action.

INDIANA STATUTE RELEVANT TO VICTIMS' RIGHTS IN THE PAROLE PROCESS

CHAPTER 3

PAROLE AND DISCHARGE OF CRIMINAL OFFENDERS

SECTION.
11-13-3-3. Parole release hearing — Procedure — Notice to victim, next of kin, or witness.

SECTION.
11-13-3-4. Parole conditions.

11-13-3-3. Parole release hearing — Procedure — Notice to victim, next of kin, or witness. — (a) A person sentenced under IC 35-50 shall be released on parole or discharged from the person's term of imprisonment under IC 35-50 without a parole release hearing.

(b) A person sentenced for an offense under laws other than IC 35-50 who is eligible for release on parole, or a person whose parole is revoked and is eligible for reinstatement on parole under rules adopted by the parole board shall, before the date of the person's parole eligibility, be granted a parole release hearing to determine whether parole will be granted or denied. The hearing shall be conducted by one (1) or more of the parole board members. If one (1) or more of the members conduct the hearing on behalf of the parole board, the final decision shall be rendered by the full parole board based upon the record of the proceeding and the hearing conductor's findings. Before the hearing, the parole board shall order an investigation, to include the collection and consideration of:

- (1) Reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;
- (2) Official reports of the person's history of criminality;
- (3) Reports of earlier parole or probation experiences;
- (4) Reports concerning the person's present commitment that are relevant to the parole release determination;
- (5) Any relevant information submitted by or on behalf of the person being considered; and
- (6) Such other relevant information concerning the person as may be reasonably available.

(c) A victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of the person may request in writing the department to notify the victim, next of kin, or witness when the person imprisoned for the commission of the felony is:

- (1) To be discharged from imprisonment;
- (2) To be released on parole under IC 35-50-6-1;
- (3) To have a parole release hearing under this chapter;
- (4) An escaped committed offender; or
- (5) To be released from departmental custody under any temporary release program administered by the department, including the following:

(A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a regulated community assignment program.

(B) Assignment to a minimum security work release program.

(d) If such a request is made in writing at least forty (40) days before the discharge, release, or hearing occurs, the department shall supply the requested information to the victim (or the next of kin in the appropriate case) and the witness at the address supplied by the victim (or next of kin) or witness.

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness of the right of the victim or witness to request such a notification.

(f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not have access to the name and address of a victim and a witness making a request under this section. Upon the filing of a motion by any person requesting or objecting to the release of victim information, witness information, or both that is retained by the department, the court shall review the information that is the subject of the motion in camera before ruling on the motion.

(g) The notice required under subsection (c) must specify whether the prisoner is being discharged, released on parole, or having a parole release hearing, and must contain:

- (1) The name of the prisoner;
- (2) The date of the offense;
- (3) The date of the conviction;
- (4) The felony of which the prisoner was convicted;
- (5) The sentence imposed;
- (6) The amount of time served; and
- (7) The date and location of the interview (if applicable).

(h) The parole board shall adopt rules under IC 4-22-2 and make available to offenders the criteria considered in making parole release determinations. The criteria must include the:

- (1) Nature and circumstances of the crime for which the offender is committed;
- (2) Offender's prior criminal record;
- (3) Offender's conduct and attitude during the commitment; and
- (4) Offender's parole plan.

(i) The hearing prescribed by this section may be conducted in an informal manner without regard to rules of evidence. In connection with the hearing, however:

- (1) Reasonable, advance written notice, including the date, time, and place of the hearing shall be provided to the person being considered;
- (2) The person being considered shall be given access, in accord with IC 11-8-5, to records and reports considered by the parole board in making its parole release decision;
- (3) The person being considered may appear, speak in the person's own behalf, and present documentary evidence;
- (4) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded; and
- (5) A record of the proceeding, to include the results of the parole board's investigation, notice of the hearing, and evidence adduced at the hearing, shall be made and preserved.

(j) If parole is denied, the parole board shall give the person written notice of the denial and the reasons for the denial. The parole board may not parole a person if it determines that there is substantial reason to believe that the person:

- (1) Will engage in further specified criminal activity; or
- (2) Will not conform to appropriate specified conditions of parole.

(k) The parole board may parole a person who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which that person is imprisoned.

(l) If the board is considering the release on parole of an offender who is serving a sentence of life in prison, a determinate term of imprisonment of at least ten (10) years, or an indeterminate term of imprisonment with a minimum term of at least ten (10) years, in addition to the investigation required under subsection (b) the board shall order and consider a community investigation, which must include an investigation and report that substantially reflects the attitudes and opinions of:

- (1) The community in which the crime committed by the offender occurred;
- (2) Law enforcement officers who have jurisdiction in the community in which the crime occurred;
- (3) The victim of the crime committed by the offender, or if the victim is deceased or incompetent for any reason, the victim's relatives or friends; and
- (4) Friends or relatives of the offender.

(m) As used in this section, "victim" means a person who has suffered direct harm as a result of a crime. [IC 11-13-3-3, as added by Acts 1979, P.L. 120, § 6; 1981, P.L. 135, § 1; P.L.311-1983, § 34; P.L.131-1985, § 1; P.L.151-1987, § 1; P.L.33-1989, § 11; P.L.138-1989, § 1; P.L.36-1990, § 2.]

Amendments. The 1989 amendment, by P.L.33-1989, made stylistic changes in subsections (a) through (c), (e), (i)(3), and (j); and substituted "incompetent for any reason" for "incapacitated" in subsection (i)(3).

The 1989 amendment, by P.L.138-1989, made minor stylistic changes in subsection (b); in subsection (c) inserted "or any witness involved in the prosecution of the person" near the middle of the introductory paragraph and substituted "victim, next of kin or witness" near the end of that paragraph, and added subdivisions (4) and (5); in subsection (d) inserted "and the witness" near the end of the subsection and added "or witness" at the

end of the subsection; in subsection (e) inserted "and the witness" near the beginning of the subsection, and substituted "or witness of the right of the victim or witness" for "of the victim's right" near the end of the subsection; inserted "and a witness" in subsection (f); and added subsection (m).

The 1990 amendment added the second sentence of subsection (f).

Effective Dates. P.L.33-1989 contains no effective date provision. Pursuant to IC 1-1-3-3, the amendment takes effect July 1, 1989.

P.L.138-1989, § 10, July 1, 1989.

P.L.36-1990, § 15, declared an emergency

SECTION C

**GUIDELINES FOR CORRECTIONAL AGENCIES
TO PROTECT
VICTIMS FROM INTIMIDATION, HARASSMENT OR HARM**

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GUIDELINES FOR CORRECTIONAL AGENCIES TO PROTECT VICTIMS FROM INTIMIDATION, HARASSMENT OR HARM

Introduction

Many corrections and parole agencies take strong, decisive actions to hold offenders accountable when they harass, intimidate or retaliate against crime victims. The current status of such agency actions is highlighted in the following chart:

Agency Sanctions For Offender Harassment, Intimidation Or Retaliation			
	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Loss Of Privileges	37	25	27
Transfer To A More Restrictive Level	36	24	22
New Criminal Charge	28	23	24
Additional Enhancement Of Sentence	21	18	15
Documentation Of Offense Put In Offender's Case File	40	27	33
Recommend Investigation For Additional Prosecution	35	26	28
Recommend Revocation Of Parole	31	19	35
None Of The Above	0	0	2

Background

In the summer of 1979, the American Bar Association's Victims Committee focused attention on issues relating to intimidation of victims and witnesses through hearings held in Washington, D.C. While all 50 states had laws against intimidation or harassment, many of the laws were poorly enforced and most had minimal criminal sanctions. Testimony during the hearings underscored the fact that many victims and witnesses are afraid to report crime or to testify in criminal proceedings for fear of retaliation.

Similar testimony was heard during the six hearings of the President's Task Force on Victims of Crime held in 1982.

As public consciousness was raised, legislation was gradually changed across the United States to: increase the penalties for intimidating or harassing victims and witnesses; provide for notification of victims or witnesses when an alleged offender is released from custody; provide stricter standards for pre-trial release; and provide for issuing and enforcing protective orders. The *Federal Victim and Witness Protection Act of 1982* and the accompanying guidelines issued by the Attorney General established such protections in the Federal criminal code, as well.

Despite these efforts, many victims and witnesses continue to live in terror because of threats -- expressed, implied, or imagined -- from past assailants, even those in custody. At times, their fears are justified.

- In 1989, Los Angeles prosecutors filed new criminal charges against Arthur Jackson, the man convicted of attempted murder in the case of actress Theresa Saldana. The new eight-count felony complaint was issued because of numerous threats against Saldana while Jackson was incarcerated (see Appendix A).
- In 1991, Robert Charette, paroled after serving half of a seven-year sentence for raping a woman, was charged with raping her again in a Miami suburb.
- Samuel Barnett, paroled in 1991 after serving half of a 12 year sentence for raping a nine-year-old girl, was charged with 14 counts of sexual assault after abducting the same girl, now 15, and sexually assaulting her for seven hours.
- In 1989, Lisa Bianco -- a survivor of ten years of domestic violence -- remained in fear of her ex-husband Alan Matheney while he was serving an eight-year sentence for assaulting and attempting to murder her. While she continually sought to be notified if he was to be released for any reason, he was given furlough to visit his mother without notice to his ex-wife Lisa. When Matheney broke into Bianco's home, Lisa -- only partially clothed -- fled to a neighbor's home and began pounding on the back door, screaming for help.

Matheney followed her, and repeatedly beat her with the butt of his shot gun so severely that it broke into three pieces. Bianco was beaten beyond recognition and died.

As a direct result of Lisa Bianco's tragic death, Evan Bayh -- the newly elected Governor of Indiana -- initiated action to improve protections to all victims from inmates in the custody of the Department of Corrections. Crime victims, upon request, are now notified of the status of an offender -- including release, escape or furlough -- by a Victim/Witness Notification Unit within the Department of Corrections.

Because of cases like these, it is important for corrections and parole agencies to develop guidelines that are designed, in cooperation with law enforcement, to assist in responding to victims who are intimidated, harassed, or harmed by inmates or parolees. At the very least, responsive procedures can give a measure of assurance to victims and witnesses (although virtually no system of protection is fool-proof). And at best, good procedures can prevent homicides.

Guidelines for Corrections Agencies to Work with Local Law Enforcement Agencies to Protect Victims from Intimidation, Harassment, or Harm

Definitions:

Intimidation: conduct that causes or threatens to cause bodily injury or property damage to another person or his or her family, to induce the target of the conduct not to report wrongdoing to the proper authorities or further cooperate with authorities handling such reports.

Harassment: a course of retaliatory conduct directed at a specific person or his or her family that causes substantial emotional distress.

Harm: financial, physical or emotional injury caused by the intentional conduct of another person.

Recommended Guidelines:

- Corrections agencies should designate and publicize a special unit as a point of contact on issues of victim and witness protection that will receive and initiate a response to evidence of intimidation, harassment, or threats of harm directed at victims and witnesses. It is appropriate that the agency's "victim notification" or similar program also serve as the designated "victim protection" unit.

- Staff members of the unit shall receive, investigate, and evaluate all complaints from victims and witnesses concerning unwanted and distressing written or oral communications from inmates or from those seemingly acting on the inmate's behalf, or other forms of intimidation, harassment or threats of harm.
- In initiating the investigation, the unit shall be given the prompt cooperation of departmental staff and access to all relevant records, while making sure that appropriate staff who initiate other kinds of disciplinary actions or criminal charges against inmates are kept informed of the investigation. The unit will be responsible for maintaining confidentiality of information as appropriate, in accordance with existing regulations and laws.
- All prima facie cases of criminal conduct shall be forwarded through channels to the appropriate law enforcement agency for purposes of a joint investigation. That referral will take place within 24 hours of receipt of the complaint.
- Investigations on all complaints shall be initiated within five days of receipt. The victim or witness shall be notified of the progress of the investigation every five days as the investigation continues.
- Inmates will be notified within 24 hours of receipt of a complaint, unless such notification, in the judgment of the unit, will jeopardize the investigation or cause imminent danger to the complainant; in such cases, reasons shall be put in writing and placed in the case file. Whenever the inmate is informed of the complaint, the unit shall keep the complainant's name and address confidential.
- If upon further investigation the unit recommends that criminal charges be filed, the agency shall promptly review the recommendation and if it concurs, the unit and the appropriate law enforcement agency will work together to pursue the case.
- If the complaint does not rise to the level of a criminal offense, disciplinary action shall be taken and, if the complaint is then judged valid, the inmate will be ordered to desist the behavior, appropriate sanctions may be imposed (such as restrictions on privileges to communicate with people outside the institution), and the inmate will be advised that further disciplinary action may result if the inmate does not comply.

- If the complaint requires interviews with the victim or witness, the unit will coordinate such interviews with the appropriate law enforcement agency and will schedule the interviews so that they accommodate the schedule of the victim or witness.
- If the joint investigation results in the filing of criminal charges against the inmate, the unit will cooperate with the prosecutor in appropriate ways, and shall seek the prosecutor's assistance in seeking a temporary restraining order to prohibit the harassment of the victim or witness (See Appendix B for sample statute), or other extraordinary action as appropriate.
- The unit will inform the victim or witness of the dates of any hearings or court proceedings that may take place with regard to the complaint.
- The unit shall give the victim or witness an opportunity to be heard in any agency proceedings dealing with the complaint.
- The unit shall inform the victim or witness of the disposition of the complaint within 24 hours after a final determination is made.
- The unit shall place a special notation in the file of an inmate who has been subject to disciplinary or criminal proceedings due to acts of intimidation or harassment. Special efforts shall be taken to notify the complainant whenever there is a known possibility that such inmate will be released, provided the complainant wants such notification.
- The unit shall make such recommendations about the advisability of such release, or the conditions that should attach to such release, as it and the complainant deem appropriate. The unit shall also advise the complainant of other options -- such as a civil restraining order -- that may be available, and shall promptly inform the complainant of any decision to permit the release and all relevant conditions placed on the release.
- To encourage coordinated interagency responses to these cases, the agency unit designated to provide "victim protection" should meet with the key correctional, prosecutorial, and law enforcement leaders to establish harmonious working relationships towards common goals in these cases.

A memorandum describing the laws governing the California Department of Corrections' response to victim harassment or intimidation by inmates or parolees is included in Appendix C.

Increasing Penalties for Intimidation or Harassment

In 1990, in direct response to Arthur Jackson's threats against Theresa Saldana, the California Legislature responded to incidents of inmates harassing or intimidating victims by passing a law (Assembly Bill [AB] 1265) enhancing penalties for "any person who has been convicted of a specified felony, who willfully and maliciously communicates to a witness, or to a victim of the crime for which the person was convicted, a credible threat to use force or violence upon that person or that person's immediate family" (see Appendix D for a copy of AB 1265). The statute, known as the "Stalker Law," increased penalties for such offenses to "imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison for 2, 3 or 4 years."

While such laws cannot prevent inmates from harassing, intimidating or harming victims and witnesses, they do attempt to hold offenders accountable for their actions. In 1992, myriad "Stalker Laws" were introduced in state legislatures. As of July 1992, 20 became state law.

Crime victims and service providers applaud such efforts initiated by correctional agencies which recognize and validate their concerns about unwanted criminal contact from offenders. AB 1265 is an excellent statute that can be easily adapted as a model for replication in all states.

The Federal Bureau of Prison's Telephone Monitoring System

In the Federal Bureau of Prisons, the warden of each institutional facility has established procedures to monitor conversations on any telephone within that facility. The purpose of monitoring is to preserve the security and orderly management of the institution and to protect the public, including crime victims and witnesses.

The warden must provide notice to the inmate of the potential for monitoring. Staff may not monitor an inmate's properly placed call to an attorney.

Any inmate who is discovered, through investigative procedures, to be abusing his or her telephone privileges by making intimidating or threatening telephone calls is subject to disciplinary action (i.e., loss of privileges, loss of good time, disciplinary segregation, etc.). In addition to Bureau of Prisons sanctions, inmates are also subject to federal prosecution in accordance with established laws and guidelines.

The "Ombudsman" Approach

The South Carolina Department of Corrections established an Ombudsman Program -- also known as the "Division of Inmate Relations". The primary function of this office is to investigate and evaluate complaints concerning inmates.

A victim or witness who has a complaint about being harassed or intimidated by an inmate can call or write to the Ombudsman. The program staff members contact the inmate against whom the complaint has been filed. Complaints which are deemed to have merit will be thoroughly investigated. Recommendations for action are made to the appropriate officials (in these cases, "appropriate officials" include the warden at the institution, the victim/witness service program staff and, in cases of criminal prosecution, the prosecutor from the jurisdiction in which the harassment or intimidation took place).

The Ombudsman Program does not make policy. Rather, it makes certain that policies and rules are applied justly and according to established South Carolina Department of Corrections procedures.

Policy and procedural guidelines implemented by the South Carolina Department of Corrections are included in Appendix E.

Guidelines for Parole Administrators to Follow in Cases of Victim or Witness Intimidation, Harassment, or Harm by Parolees

It is recommended that parole agencies establish "victim protection" units under guidelines based on those recommended for corrections agencies. Those guidelines, especially ones covering definitions, the designation of a victim protection unit, and its authority and responsibilities, are easily adapted to the parole setting.

However, the two guidelines below suggest a somewhat different approach in responding to complaints that come to the special parole unit. Whereas it was estimated that a single state unit could oversee the investigation and response to a "victim protection" case involving a prison inmate, here the suggestion is to have parole's counterpart unit turn over (but monitor) the case to the key parole and law enforcement authorities at the local level.

The usefulness of having a single unit receiving those complaints -- even if it passes them on -- is that it is likely to be the only one that victims and witnesses know about. If it also does other things for victims (like notifications), it may have already established a relationship of trust with these potential targets of harm.

Recommended Guidelines

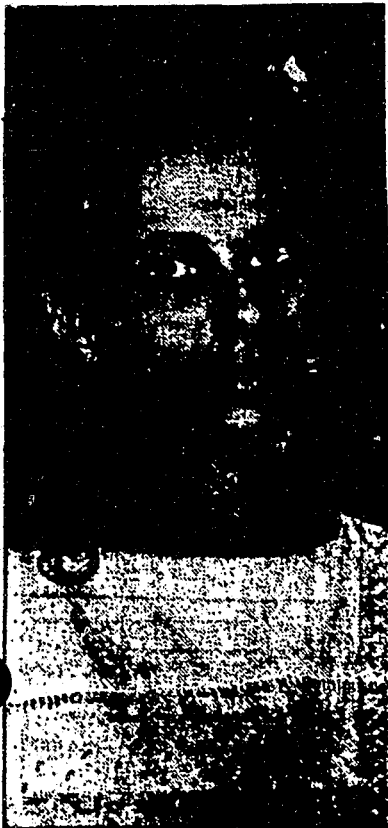
- All prima facie cases of criminal conduct or violations of a parole condition shall be referred to the parole officer supervising the parolee in question and to the agency's appropriate unit that investigates and initiates criminal or revocation proceedings.
- In cases with a weak evidentiary foundation, the unit shall consult with the complainant and the parole officer to weigh any danger to the complainant in confronting the parolee with the charge along with the merits of getting the charge on the parolee's record, clarifying the parolee's responsibilities, imposing sanctions, etc.

Los Angeles Times

Friday, June 9, 1989



Arthur R. Jackson



Theresa Saldana

New Charges Foil Parole of Attacker of Actress Saldana

By EDWIN CHEN, Times Staff Writer

Los Angeles prosecutors filed new criminal charges Thursday against the man about to be paroled after serving seven years in prison for the near-fatal knife attack on actress Theresa Saldana.

The eight-count felony complaint effectively bars the scheduled June 15 parole of Arthur R. Jackson, who allegedly issued numerous threats against Saldana and Jeffrey Fenn, a passer-by who came to the actress's rescue as Jackson knifed her 10 times outside her West Hollywood apartment on March 16, 1982.

Filed by the Los Angeles County district attorney's office, the charges mark the first use of a 1986 state law—inspired by Saldana's case—that makes it a crime for a violent felon to threaten victims or witnesses, officials said. If convicted, Jackson could serve another seven years and eight months.

While expressing her relief and gratitude, Saldana, 34, now six-months pregnant, stated from New York that the new filing was only "an excellent stop-gap measure" and added:

"This nightmare is far from being resolved."

Jackson's impending parole has caused an uproar, prompting the Los Angeles City Council and 80 members of the state Assembly to ask the State Board of Prison Terms to block his parole. Gov. George Deukmejian also sent a letter on Thursday asking the board to prevent the release of Jackson, whom he called "a singularly obsessive and dangerous person."

Jackson was convicted of attempted murder and given the maximum 12 years, but he earned a reduction of his term for good behavior, thus becoming eligible for parole next Thursday.

Authorities said last week that Jackson could not continue to be held under his current sentence for threats that he had not actually acted on.

Earned Parole Date

Good behavior in Soledad Prison had allowed him to earn a June 15 parole date. However, a prison board on Tuesday was expected to slap him with an extra 60 to 180 days for breaking windows.

At a Thursday press conference, several state lawmakers also joined Dist. Atty. Ira Reiner in calling for new limits on the ability of convicts to earn reductions in prison terms through good behavior.

Jackson, 53, is a British national from Scotland said to have a history of mental illness. He entered the United States illegally and, once behind bars, confessed to having committed a murder during a bank robbery in London, officials said.

While the Immigration and Naturalization Service has placed a "hold" on Jackson, with the intention of deporting him after his parole, a Saldana spokesman said on Thursday that that may not necessarily prevent Jackson from reentering this country to carry out his threats against Saldana and Fenn.

In sometimes voluminous letters from prison, Jackson is said to have repeatedly referred to his "kami-

kaze spirit" and a "divine mission" to dispatch Saldana to heaven, according to Gavin de Becker, a security consultant to Saldana.

De Becker said he approached Reiner's office last week—after getting no satisfaction from other state and federal law enforcement agencies.

But Karen Bowles, assistant regional administrator in the Parole and Community Services Division of the Department of Corrections, told The Times earlier that "the law ties our hands on our ability to act on this. . . . We can't make an assumption that just because some-

one says they will do something, they will."

At a press conference Thursday, Reiner declined to characterize the actions—or inactions—of the other agencies that de Becker had contacted, including the state Board of Corrections, the FBI in Washington and in Santa Maria, and the Department of Mental Health.

Fenn was a water deliveryman at the time he rescued Saldana. He is now a Los Angeles County sheriff's deputy.

Saldana, who had no blood pressure or pulse by the time she arrived at the hospital, later played

herself in a movie based on the attack, on her battle from near death and on the founding of an advocacy group called Victims for Victims.

It was this group that in 1984 persuaded Assemblyman Richard Katz (D-Panorama City) to sponsor the law that was invoked in Thursday's filing against Jackson.

"We are not going to stand by and let this dangerous psychotic and paranoid felony carry out this plan to finish the job," Katz said. The law allows a prison sentence to be extended when a prisoner makes a credible threat against his victims or witnesses, he said.

Katz, along with state Sen. Art Torres, chairman of the Victims Rights Committee, also said they

intend to seek the enactment of legislation that would reduce the opportunity of prisoners to earn reductions in their prison terms through the "Goodtime/Worktime Credits" program.

Prisoners now can earn such credits simply by showing up for work, Katz said. "They don't even have to do meaningful work. It's a joke. The system ought to mean what it says."

He and Reiner said the filing against Jackson automatically enables the Board of Prison Terms to keep Jackson in prison for an additional year by taking away his work-time credits.

Jackson also faces disciplinary actions—that could further result in the loss of work-time credits—

for allegedly destroying state property and resisting the prison staff at the California Medical Facility at Vacaville.

It is not clear when Jackson will face trial on the charges filed Thursday by the Los Angeles prosecutors.

He has no lawyer or spokesman at present, and attempts to contact him through prison officials were unsuccessful.

Reiner agreed with Saldana that Thursday's filing is only "a step in the right direction."

Reiner said: "It takes care of the problem for now. But it doesn't take care of it in the future. He's going to get out of prison in some years and undoubtedly he will be as deranged then as he is now."

IOWA STATUTE RELEVANT TO CIVIL INJUNCTIONS TO RESTRAIN

HARASSMENT OR INTIMIDATION OF VICTIMS OR WITNESSES

910A.11. Civil injunction to restrain harassment or intimidation

1. Upon application, the court shall issue a temporary restraining order prohibiting the harassment or intimidation of a victim or witness in a criminal case if the court finds, from specific facts shown by affidavit or by verified complaint, that there are reasonable grounds to believe that harassment or intimidation of an identified victim or witness in a criminal case exists or that the order is necessary to prevent and restrain an offense under this chapter.

A temporary restraining order may be issued under this subsection without written or oral notice to the adverse party or the party's attorney in a civil action under this section if the court finds, upon written certification of facts, that the notice should not be required and that there is a reasonable probability that the party will prevail on the merits. The temporary restraining order shall set forth the reasons for the issuance of the order, be specific in terms, and describe in reasonable detail the act or acts being restrained.

A temporary restraining order issued without notice under this section shall be endorsed with the date and hour of issuance and be filed immediately in the office of the clerk of the court issuing the order.

A temporary restraining order issued under this section shall expire at such time as the court directs, not to exceed ten days from issuance. The court, for good cause shown before expiration of the order, may extend the expiration date of the order for up to ten days, or for a longer period agreed to by the adverse party.

When a temporary restraining order is issued without notice, the motion for a protective order shall be set down for hearing at the earliest possible time and takes precedence over all matters except older matters of the same character. If the party does not proceed with the application for a protective order when the motion is heard, the court shall dissolve the temporary restraining order.

If, after two days' notice to the party or after a shorter notice as the court prescribes, the adverse party appears and moves to dissolve or modify the temporary restraining order, the court shall proceed to hear and determine the motion as expeditiously as possible.

2. Upon motion of the party, the court shall issue a protective order prohibiting the harassment or intimidation of a victim or witness in a criminal case if the court, after a hearing, finds by a preponderance of the evidence that harassment or intimidation of an identified victim or witness in a criminal case exists or that the order is necessary to prevent and restrain an offense under this chapter.

At the hearing, any adverse party named in the complaint has the right to present evidence and cross-examine witnesses.

A protective order shall set forth the reasons for the issuance of the order, be specific in terms, and describe in reasonable detail the act or acts being restrained.

Memorandum

Date : April 23, 1991

To : Sandi Menefee
Victims of Crime Services Coordinator

Subject: Victims of violent crimes threatened, harassed, or
intimidated by Inmates/Paroles currently supervised by the
California Department of Corrections.

Issue:

From the viewpoint of the Victim, does the C.D.C. maintain appropriate constraints which protect Crime Victims from threats to their safety, or provisions for punishment of the perpetrator.

Background:

The issue was raised by the Victim Services Program relative to the various needs of persons victimized by crime.

Finding:

Review of available information revealed two sources which address this issue:

First: Assembly Bill No. 1265, signed by the Governor on 5/1/90, amended Penal Code Section 139, and Penal Code Section 140. These Penal Codes concern Witness Intimidation. Section 139 of the Penal Code was amended to read: " (a) Except as provided in Sections 71 and 136.1, any person who has been convicted of any felony offense specified in Section 12021.1 who willfully and maliciously communicates to a witness to, or a victim of the crime for which the person was convicted, a credible threat to use force or violence upon that person or that person's immediate family, shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison for two, three, or four years...

Section 140 of the Penal Code was amended to read: "Except as provided in Section 139, every person who willfully threatens to use force or violence upon the person of a witness to, or a victim of a crime or any other person, or to take, damage, or destroy any property of any witness, victim, or any other person, because the witness, victim, or informant has provided any assistance or information to a law enforcement officer, or to public prosecutor in a criminal proceeding, shall be punished by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison for two, three, or four years.

Refer to the attached copy of Assembly Bill No. 1265 for details.

Second: The California Code of Regulations, Title 15, is the instrument most often utilized to deal with prison inmates/parolees who violate the rights of Victims, or who may be perceived as a threat by Victims.

Title 15, Article 1., Section 3005., Conduct. (a), provides that "Inmates and parolees must obey all rules, regulations, and local procedures, and refrain from behavior which might lead to violence and disorder. Any inmate or parolee who refuses to consider the rights and needs of others and as a result endangers the INSTITUTIONAL or OUTSIDE COMMUNITY or its INDIVIDUAL MEMBERS is subject to appropriate LEGAL or DISCIPLINARY ACTIONS".

Illustration:

California Department of Correction Staff receive information from a victim which indicates that the victim perceives the inmate/parolee to be a threat to his safety.

The information is investigated and/or evaluated as to (1) its seriousness i.e., the ability of the inmate/parolee to carry out the threat so as to cause the victim to reasonably fear for their safety or the safety of their immediate family, and (2) the available evidence, for example: written or verbal, overt or implied correspondence and contacts, or by self-admission.

Sandi Menefee
Page 3

If the evidence is determined a valid or potential threat, the inmate/parolee is subject to progressive disciplinary procedures. These procedures usually consist of an interview with the subject at which time he/she is informed of the matter, instructed to desist the behavior perceived to be a threat, and advised that further disciplinary action may result if the inmate/parolee does not comply.

In most cases, the aforementioned process sufficiently deters subsequent action by the inmate/parolee.

In cases where the subject does not comply, he/she is subject to appropriate disciplinary or legal action.

Refer to the attached copy of Article I, section 3005 of The California Code of Regulations for details.

CHAPTER 80

An act to amend Sections 139 and 140 of the Penal Code, relating to crimes.

[Approved by Governor May 1, 1990. Filed with Secretary of State May 2, 1990.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1265, D. Brown. Crimes: witness intimidation.

Existing law provides, with limited exceptions, that any person who has been convicted of a specified felony, who willfully and maliciously communicates to a witness to, or a victim of, the crime for which the person was convicted, a credible threat to use force or violence upon that person or that person's immediate family, shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison.

This bill would provide, instead, that any person who violates that provision shall be punished by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison for 2, 3, or 4 years.

Existing law also provides, with limited exceptions, that every person who willfully threatens to use force or violence upon a witness to, or a victim of, a crime or any other person, or to take, damage, or destroy any property of any witness, victim, or any other person because he or she has provided any assistance or information to a law enforcement officer, or to a public prosecutor in a criminal proceeding or juvenile court proceeding, is guilty of a misdemeanor. Moreover, any person who commits a specified crime while violating these provisions is punishable by imprisonment in a county jail for a period of not more than one year or by imprisonment in the state prison.

This bill would delete the latter provision regarding a person who commits a specified crime while violating the provisions regarding threats upon witnesses, and would provide, as to the former provisions regarding threats upon witnesses, that any person who violates those provisions shall be punished by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison for 2, 3, or 4 years.

The people of the State of California do enact as follows:

SECTION 1. Section 139 of the Penal Code is amended to read:

139. (a) Except as provided in Sections 71 and 136.1, any person who has been convicted of any felony offense specified in Section 12021.1 who willfully and maliciously communicates to a witness to,

or a victim of, the crime for which the person was convicted, a credible threat to use force or violence upon that person or that person's immediate family, shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison for two, three, or four years.

(b) Any person who is convicted of violating subdivision (a) who subsequently is convicted of making a credible threat, as defined in subdivision (c), which constitutes a threat against the life of, or a threat to cause great bodily injury to, a person described in subdivision (a), shall be sentenced to consecutive terms of imprisonment as prescribed in Section 1170.13.

(c) As used in this section, "a credible threat" is a threat made with the intent and the apparent ability to carry out the threat so as to cause the target of the threat to reasonably fear for his or her safety or the safety of his or her immediate family.

(d) The present incarceration of the person making the threat shall not be a bar to prosecution under this section.

(e) As used in this section, "malice," "witness," and "victim" have the meanings given in Section 136.

SEC. 2. Section 140 of the Penal Code is amended to read:

140. Except as provided in Section 139, every person who willfully threatens to use force or violence upon the person of a witness to, or a victim of, a crime or any other person, or to take, damage, or destroy any property of any witness, victim, or any other person, because the witness, victim, or informant has provided any assistance or information to a law enforcement officer, or to a public prosecutor in a criminal proceeding or juvenile court proceeding, shall be punished by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison for two, three, or four years.

O

Appendix D: California AB 1265 ("Stalker Law")

C-15

Appendix E : South Carolina Ombudsman Program
Policy and Procedural Guidelines



south carolina
department of corrections

P.O. BOX 21787/4444 BROAD RIVER ROAD/COLUMBIA, SOUTH CAROLINA 29221
TELEPHONE (803) 758-6444
WILLIAM D. LEEKE, Commissioner

NUMBER: 300.1	DATE: April 2, 1982
RESPONSIBLE AUTHORITY: Division of Inmate Relations	PAGE 1 OF 3

TITLE: Ombudsman Program

PURPOSE: To provide guidelines for handling complaints concerning inmates and for assisting inmates who have been unable to resolve problems through existing channels.

POLICY: The Ombudsman Section of the Division of Inmate Relations will receive, investigate, and evaluate inquiries, problems, and complaints of inmates assigned to institutions of the South Carolina Department of Corrections.

PROCEDURAL GUIDELINES:

1. Staff members from the Division of Inmate Relations who handle inmate complaints will have all necessary authority to perform their assigned duties.

2. All records, files, or other information throughout the department will be made available to employees of the the Division of Inmate Relations upon request without unreasonable delay. Employees of the Division of Inmate Relations will be responsible for maintaining confidentiality of information as appropriate, in accordance with existing regulations and laws.

3. The Division Director or Ombudsman may initiate investigations and will periodically conduct surveys of departmental activities affecting inmate welfare to ensure that prescribed procedures are being followed.

4. Reports concerning non-compliance with published policies and procedures and recommendations/proposals for actions that will increase the overall effectiveness and efficiency of departmental operations and procedures will be submitted to appropriate departmental officials when deemed necessary by the Director of the Division of Inmate Relations. Institutional non-compliance with published policies and procedures and proposals/recommendations for action will be initially submitted to the Regional Administrator/Director of Institutional Operations.

5. Comprehensive and complete records of each case will be maintained for at least five years. Information in these records to include all actions taken, pertinent duties, and final dispositions.

will not routinely be placed in other records or files in the department unless approved by the Director of the Division of Inmate Relations. Such information, however, will be supplied to the Division of Resource and Information Management for data processing to generate statistics reflecting the overall program.

6. All complaints filed in the Division of Inmate Relations (written, personal contact, or telephone) will be handled either by referral or investigation as follows:

a. Referrals:

(1) Referrals will be made by memorandum to the appropriate official within five working days after receiving the complaint. A copy of this action will be forwarded to the inmate.

(2) Officials receiving the referral will have up to ten working days to respond to the inmate with a copy of the final disposition forwarded to the Division of Inmate Relations.

(3) If it becomes necessary to extend the time limit, a response will be sent to the inmate explaining the reason for the delay and the amount of time needed to complete the investigation with a copy forwarded to the Division of Inmate Relations.

(4) Complaints alleging conduct on the part of employees which would involve a violation of a criminal statute will be forwarded to the Division of Internal Affairs for investigation.

b. Investigations:

(1) The inmate will be informed within five working days that his/her complaint has been received and the action which will be initiated.

(2) Should information/assistance be needed from a departmental official, the request will be made formally (written, personal contact, or telephone) by a member of the Division of Inmate Relations.

(3) A response to such a request will be made to the Division of Inmate Relations within ten working days.

(4) If a response is not received within ten working days, the Director of the Division of Inmate Relations will contact the appropriate institutional head, Regional Administrator, Division Director, or Assistant Deputy Commissioner for Institutions.

(5) The inmate will be informed by written response, telephone, or personal contact of the results of the investigation within five working days of receiving a final disposition.

SECTION D

DEVELOPING A PUBLIC AWARENESS BROCHURE ABOUT VICTIM SERVICES IN CORRECTIONS AND PAROLE

Introduction 1

APPENDICES

Appendix A : Sample Corrections-based Victim Services
Program Brochures 3

California Youth Authority
South Carolina Department of Probation,
Parole & Pardons Services
Washington Department of Corrections
Texas Department of Criminal Justice
Pardons and Paroles Division

Appendix B : California Department of Corrections Fact Sheet
"Your Rights As A Victim" 12

Appendix C : South Carolina Department of Probation,
Parole & Pardons Services Fact Sheet
"Informed and Involved" 13

DEVELOPING A PUBLIC AWARENESS BROCHURE ABOUT VICTIM SERVICES IN CORRECTIONS AND PAROLE

Introduction

One of the most effective ways to publicize crime victim services in corrections and parole agencies is to produce and distribute a public awareness brochure. Such a publication will help crime victims, victim service providers and concerned citizens understand both how your agency works, and what types of services are available for victims.

When developing a public awareness brochure, think comprehensively about exactly what victims need to know about your agency. Some suggestions include:

- Specific victims' services within your agency, along with details about who to contact for additional information. Include names, titles, telephone numbers and addresses or leave an area blank for local offices or institutions to fill in their own information.
- Crime victims' statutory rights in your state which are applicable to your agency, such as the right to:
 - notification about an offender's status, release, escape or death;
 - submit victim impact statements prior to an offender's release hearing or establishing special condition of parole;
 - to be present at any hearing related to an offender's release; and/or
 - restitution.

Additional information that could be featured in a public awareness brochure includes, but is not limited to:

- a brief overview of how your agency functions;
- what happens to an offender who is under your agency's supervision;
- information about actual sentences versus time an offender will serve;

- what victim's rights are in your state; and/or
- contact information about how to receive assistance from victim advocacy programs and services throughout your state.

To achieve the widest possible distribution of your public awareness brochure, make bulk copies available to law enforcement agencies, prosecutors' offices, probation offices, libraries, and both public and non-profit victim service agencies. Distribute your brochures periodically to these agencies and organizations. A roster of these programs and offices is available from the National Victim Center.

There are four excellent samples of public awareness brochures included in Appendix A. Each brochure was developed by a member of the "Crime Victims and Corrections: Setting the Agenda for the 1990's" project staff, and may be used as models for replication in your state. They include:

- "He Got C.Y.A." from the California Youth Authority.
- "The Victim and the Community Corrections Process" from the South Carolina Department of Probation, Parole and Pardon Services.
- "Victim/Witness Notification Program" from the Washington Department of Corrections.
- "Victim Services" from the Texas Department of Criminal Justice Pardon and Paroles Division.

For additional information about these brochures, please call or write the persons listed as key contacts in each brochure.

Some correctional agencies under budget constraints publish a one-page informational "fact sheet" which describes their programs and services for victims. These simple but important publications can be produced on a computer or word processor and copied for distribution to victim service agencies and crime victims. Corrections officials can incorporate the suggestions highlighted above when writing such "fact sheets". A sample informational "fact sheet" is included in Appendix B.

Appendix A
Sample Corrections-based Victim Services Program Brochures

California Youth Authority
South Carolina Department of Probation, Parole & Pardon Services
Washington Department of Corrections
Texas Department of Criminal Justice Pardons and Paroles Division

expected date of release including day pass and furlough, and actual date of release.

Notification: Victims are not routinely notified; you must contact the CYA or YOPB office and request the specific offender information you desire to receive. Requests for notification of parole hearings, transfer and escape must be made in writing. If you move, you must notify the CYA or YOPB of your new address. The easiest way to receive notification is to complete and return an Offender Information Request form. To get one, contact the CYA at the address shown on this flyer. Be sure to include the offender's name in your request. A form will be sent to you together with a pre-addressed, postage paid envelope for your convenience.

NOTE: Information about victims, including address and telephone number, is kept confidential and will not be made available to the offender.

Victim Statements and Attendance at Hearings: In cases where the offender was committed to the CYA (not a CDC offender housed in a CYA facility), you or your representative have the right to attend the hearing and express your views to the YOPB whenever release on parole or furlough may be considered. You may also send written, video or audio taped comments. Additionally, you may request notification and submit written comments if an offender is to be considered for day pass eligibility within 50 miles of your residence.

Restitution: If the court has ordered the offender to pay restitution to you, the CYA will attempt to contact you to verify your willingness and availability to receive payments. If the offender becomes employed, the CYA will withhold 15% of any wages he or she may earn while in custody. Payments may be as small as \$5 per quarter, depending on the amount of the institutional earnings. The CYA believes that payment of restitution, even in small amounts while incarcerated, is an important part of holding the offender accountable for

the harm he has caused his victim. The offender will also be required, as a condition of parole, to make remaining restitution payments after release.

WE ENCOURAGE YOU TO ASK FOR INFORMATION.

You can contact local parole offices by looking under State of California, Youth Authority, in your telephone book.

You can contact the YOPB or CYA Victim Services Coordinator by calling or writing to the address listed below.

Youthful Offender Parole Board
4241 Williamsborough Drive
Sacramento, CA 95823
(916) 427-4873

Department of the Youth Authority
Victim Services Coordinator
4241 Williamsborough Drive, Rm. 226
Sacramento, CA 95823
(916) 427-4860

Board of Prison Terms
545 Downtown Plaza, Suite 200
Sacramento, CA 95814
(916) 445-4071

You can also receive help from any victim/witness assistance program or other victim support group in your county. Staff members of these programs can contact the CYA for you.

You may also receive assistance by calling TOLL FREE to the McGeorge School of Law's *Victims of Crime Resource Center*. This center has helped thousands of crime victims since 1983.

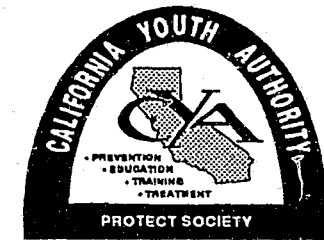
1-800-VICTIMS.

**CRIME VICTIM
INFORMATION**

"HE GOT CYA"

California Youth Authority

What is it?



STATE OF CALIFORNIA

PETE WILSON, GOVERNOR

YOUTH AND ADULT CORRECTIONAL AGENCY

JOE G. SANDOVAL, SECRETARY

DEPARTMENT OF THE YOUTH AUTHORITY

B. T. COLLINS, DIRECTOR

1991

WHAT HAPPENS WHEN SOMEONE GOES TO CYA?

If you are the victim of a crime and the offender was sent to the California Youth Authority (CYA), we think you might like to know what that means.

"He got 'CYA'" is a term you might hear. There are three ways an offender may be sent to the CYA: 1) if he is committed by a juvenile court; 2) if he was tried as an adult and committed by a criminal court; or 3) if he was tried as an adult and committed to the California Department of Corrections (CDC) but ordered housed in a CYA facility.

Offenders committed to the Department of Corrections, but ordered housed in the CYA, are either released automatically on parole at the end of their specific sentence set by law, or are transferred to a CDC facility when they reach age 25 (whichever comes first). No one in the CYA is over 25 years old and most are 15-22 years old. You might want to talk to the County District Attorney's Office or County Probation Department to find out why the offender was sent to the CYA.

Unless otherwise noted, the following information applies to all offenders regardless of whether they were committed to the CYA or to the CDC (to be housed in the CYA).

The Department's work with offenders has two primary goals. First, public safety is the CYA's number one priority and is taken very seriously by all departmental staff. Everything possible is done to prevent further victimization of others by the offender. The second goal and responsibility is to train and educate offenders to become law-abiding, productive members of society.

WHERE WILL THE OFFENDER BE SENT?

The CYA has eleven institutions and four forestry camps. A youth is sent to one of these based on age,

maturity, sophistication, educational level and seriousness of offense. The facilities are located throughout California and the typical size of an institution is 550 beds. About 8,300 young offenders currently are housed in the CYA's institutions and camps.

The younger offenders attend school all day, whereas the older ones might be in part-time school and part-time vocational training. Many are assigned jobs within the institution; for example, working on the grounds or in food preparation. Many of these institution jobs are paid, usually about \$1 per day, but a few special jobs are paid as much as minimum wage. A percentage of offender earnings goes toward restitution.

All offenders are assigned a counselor and some are placed in psychiatric or psychological treatment programs. The CYA has special programs for drug and alcohol abusers, sex offenders, and the seriously emotionally disturbed. Due to limited resources, however, not everyone needing specialized treatment can always be assigned to these programs.

After successful completion of the majority of his expected period of confinement, some offenders become eligible for day pass and/or furlough. A day pass is usually a 4-to 6-hour release to the custody of a parent and must be approved by the facility superintendent. The offender is not permitted to travel more than 25 miles from the releasing facility without special permission. Furloughs are similar to day passes but for a longer period of time (1 to 2 weeks), usually to try out a possible placement prior to release on parole. Furloughs must be approved by the Youthful Offender Parole Board (YOPB).

When an offender successfully completes his program goals and has been in custody for the set amount of time, parole is considered. However, prior to release, each regular CYA offender meets with the YOPB to discuss

his/her progress and to determine parole readiness. The YOPB may deny parole or impose "special conditions" for an offender, in addition to the standard rules which include paying restitution, keeping in touch with the parole agent, submitting to searches and not leaving the state.

CDC offenders housed in the CYA are usually released to parole automatically when their fixed sentence has been completed. The CYA provides parole supervision for these offenders.

Once on parole, the youth is assigned a parole agent. Parole offices are located throughout California. You are welcome to contact the parole office and talk with the parole agent; however, some information about the offender may be confidential.

Parole may be revoked if an offender is in violation of the parole conditions or if a new crime is committed.

HOW DOES SOMEONE GET OFF PAROLE?

Offenders committed to the CYA can earn an honorable discharge if they perform well on parole; they may also be discharged dishonorably if they do not do well by the time the CYA's legal jurisdiction runs out or if they are convicted of a crime and sent to State Prison (CDC). For a CDC offender housed in the CYA, parole may be from one to three years.

WHAT ARE YOUR RIGHTS AS A VICTIM?

Offender Information: If you are the victim, the next of kin of a victim who died, or the parent of a minor who was a victim, you have the right to be informed if the offender escapes and of any YOPB hearing where the offender may be considered for release on parole.

If the offender was committed to the CYA by an adult court, or by a juvenile court hearing open to the public, you may also be informed about his current location,

allows for victim/witness input regarding an inmate's consideration for early release.

The Office for Victims Services informs those victims/witnesses having filed a notification request of their right to oppose the pending early release of an inmate under EPA II. Should the victim/witness exercise this right, an opposition hearing is scheduled with a DPPPS Hearing Officer to document that input. The victim/witness may also attend the Parole Board hearing at which the final decision is made regarding the inmate's release under EPA II.

Why Informed and Involved?

Victimization is not a one-time occurrence. Victims, as well as witnesses, can often find themselves feeling victimized once again during their participation in the trial process and in further contact with the criminal justice system. The South Carolina Department of Probation, Parole, and Pardon Services strives to educate victims/witnesses by encouraging them to learn more about, and become participants in, the community corrections process. These efforts have a two-fold purpose:

- The informed and involved victim/witness may experience less frustration and trauma with court and prison personnel than the uninformed and will be better prepared to participate in the criminal justice system, if he/she so chooses;
- The informed and involved victim/witness serves to provide a more complete picture of the effects of crime, enhancing DPPPS' continual evaluation of the effectiveness of community corrections programs.

By being an informed and involved victim or witness, you can learn more about your rights within the state's criminal justice system. And by being knowledgeable of those rights and the system, you can learn of the vital role of the Department of Probation, Parole, and Pardon Services in South Carolina's community corrections process.

For more information about the South Carolina Department of Probation, Parole, and Pardon Services and its involvement with victims and witnesses of crime, contact the Office for Victims Services, South Carolina Department of Probation, Parole, and Pardon Services, 2221 Devine Street, P.O. Box 50666, Columbia South Carolina 29250, or telephone (803) 734-9367.

South Carolina Department of Probation, Parole & Pardon Services



Informed and Involved

**The Victim and
the Community
Corrections Process**



**South Carolina Department of
Probation, Parole & Pardon Services**

June 1989

A Need and A Need Met

In 1984, the State of South Carolina enacted a progressive piece of legislation — the Victims' Bill of Rights — providing the state's crime victims and witnesses greater access to, and participation in, the state's criminal justice system. In responding to this legislation, the South Carolina Department of Probation, Parole, and Pardon Services (DPPPS) has augmented, and is continually enhancing, its services to provide greater attention to all victims/witnesses desiring to participate in the community corrections process.

In its efforts, DPPPS has not only met the requirements of the Victims' Bill of Rights but has exceeded its mandated responsibilities. A Coordinator for Victims Services and a Victims Services Liaison are members of the Department's executive staff and serve as facilitators for victims/witnesses opposing any parole or pardon matter. These staff members are present at weekly Parole Board hearings to assist those victims/witnesses in attendance, and they remain in close contact with victim advocates on the local, state and national levels.

The South Carolina Department of Probation, Parole, and Pardon Services is a recognized leader in providing such services as an integral part of the parole process, and has been awarded and studied as a model for services to the victims/witnesses of crime.

The Informed and Involved Victim

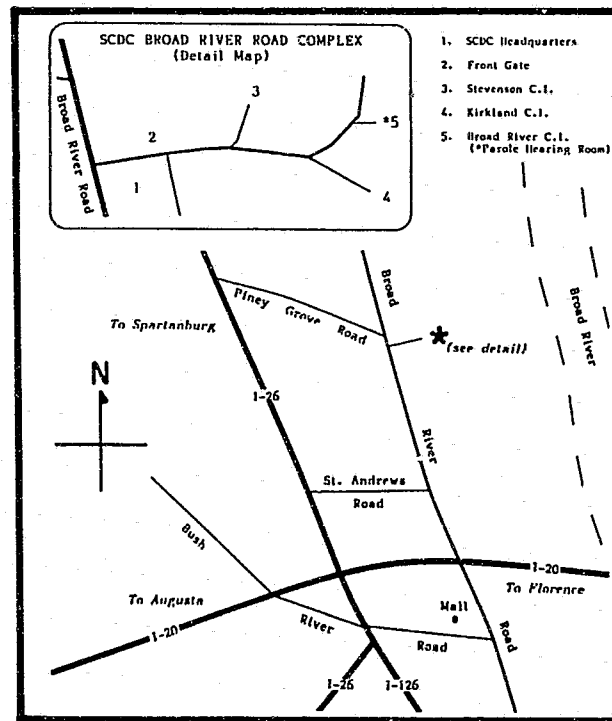
Parole

A written 30-day notice of parole hearings is sent to all victims/witnesses of both violent and nonviolent crimes. At present, the Department's Parole Division issues 2,000 such notifications monthly — the majority to victims/witnesses; the remainder to law enforcement officials, solicitors and judges.

Each letter specifies the date, location and time of the hearing, and informs the victim/witness of his/her

right to attend and present testimony to the Parole Board regarding parole consideration of the inmate. Should the victim/witness not wish to attend, a written statement may be submitted for the Board's consideration.

The notification letter also includes information regarding security measures for entering the institution where the hearing will be held, as well as instructions for contacting the DPPPS Office for Victims Services so that the victim/witness may provide advance notice of attendance at the hearing or obtain additional information.



The Parole Board strives to make well-founded parole decisions based on a wealth of information regarding each case. Input from the victim/witness is vital to this process.

The victim/witness also has the right to attend a preliminary hearing when a parolee is charged with violation of his/her parole agreement. A written

statement may be submitted to a DPPPS Hearing Officer for consideration should the victim/witness not wish to attend.

The Parole Division notifies all victims/witnesses whenever the inmate is approved for parole, when parole expires, and when persons are no longer under the Department's parole supervision.

Youthful Offender Parole

The Office for Victims Services also informs those victims/witnesses having filed a notification request of the pending release of youthful offenders (ages 17-24) to parole supervision.

During the release process, the victim/witness may provide information by submitting a written statement of concern to the DPPPS Youthful Offender Parole Review Board for consideration.

After the hearing, the victim/witness will be further notified of the decision of the Parole Review Board.

Probation

DPPPS Probation/Parole Agents in local county offices obtain victim impact statements (when available) from the Circuit Solicitor's office. After the original filing of the statement, agents often learn of the continuing effects of the crime on victims/witnesses ("victimization") while in contact with them during the pre-parole investigation process.

The DPPPS staff is also responsible for monitoring court-ordered and Parole Board-ordered restitution to the victim.

The victim/witness is afforded the opportunity to attend probation violation hearings. Should he/she decide not to attend, the Probation/Parole Agent will provide written notification of the hearing's disposition following the proceedings.

Early Release Programs

The DPPPS administers an early release program, when invoked by the Governor, designed to reduce prison overcrowding. This program, EPA II,

DEFINITIONS

Furlough:

Time-limited (usually 3-5 days) unaccompanied leave from prison or work/training release.

Parole:

Release from custody with supervision by Community Corrections Officers of the Division of Community Corrections, Department of Corrections.

Prison:

A Department of Corrections facility under jurisdiction of the Division of Prisons having in custody those violent offenders classified minimum to maximum security, including prison camps. (County jails are not included in the **VICTIM/WITNESS NOTIFICATION PROGRAM.**)

Sex Crimes:

Crimes defined in Revised Code of Washington 9.94A.030.

Victim:

Any person or persons who sustained physical or financial injury to person or property as a direct result of the violent crime. In the event that the violent offense resulted in the loss of life of the victim, one family member shall be designated by the Prosecutor to be notified under the **VICTIM/WITNESS NOTIFICATION PROGRAM.**

Violent Crimes:

Crimes defined in Revised Code of Washington 9.94A.030.

Violent Offender:

Person convicted of a violent crime by plea or trial and sentenced to prison.

Witness:

Person who was summoned, or expected to be summoned, to testify for the prosecution in any criminal action resulting in the conviction of a violent offender.

Work/Training Release:

A Department of Correction's facility under jurisdiction of the Division of Community Corrections. These facilities allow frequent unaccompanied release of the offender to the community for the purpose of work, training, treatment, sponsored social outings, etc.



Further information and assistance regarding this program may be obtained by dialing this toll free number: 1-800-322-2201 (In Washington State) or 206-753-6211.



DEPARTMENT OF CORRECTIONS

**CHASE RIVELAND
SECRETARY**

**VICTIM /WITNESS
NOTIFICATION
PROGRAM**

8-8

VICTIM/WITNESS NOTIFICATION PROGRAM

The VICTIM/WITNESS NOTIFICATION PROGRAM is provided by the Department of Corrections. The program notifies eligible participants when a violent or sex offender:

1. Is approved for furlough from prison, or work/training release,
2. Is approved for parole (or has completed sentence),
3. Is approved for transfer from prison to work/training release, or field supervision under Community Placement,
4. Escapes from custody, or
5. Is recaptured after an escape.

To be eligible for participation in the VICTIM/WITNESS NOTIFICATION PROGRAM, you should be able to answer "yes" to the following three questions:

1. Were you a victim, (or next of kin/survivor of a victim, or parent/guardian of a minor victim), of a violent or sex offense (listed in this brochure) in which the offender pled guilty or was found guilty; or were you identified as a witness for the prosecution in which the offender pled or was found guilty of one or more of the listed violent or sex offenses?
2. Was the offender committed to a State of Washington prison for the offense?
3. Was the sentence date after October 1, 1983 for the violent offense or July 1, 1989 for the sex offense?

The following is a list of offenses as defined in Revised Code of Washington 9A.030. The victims and witnesses of these offenses who answered "yes" to the preceding questions may be eligible to request participation in the VICTIM/WITNESS NOTIFICATION PROGRAM:

VICTIM WITNESS ELIGIBILITY CRIMES

Offenses:

- All Class A Felonies
- Criminal Attempt to Commit a Class A Felony or Sex Offense
- Criminal Solicitation to Commit a Class A Felony or Sex Offense
- Criminal Conspiracy to Commit a Class A Felony or Sex Offense
- Rape, 1st, 2nd and 3rd Degree
- Statutory Rape 1st, 2nd, 3rd Degree
- Rape of Child 1st, 2nd, 3rd Degree
- Child Molestation 1st, 2nd, 3rd Degree
- Sexual Misconduct with a Minor in the 1st and 2nd Degree
- Indecent Liberties (Forcible/non-Forcible)
- Incest
- Communication with Minor for Immoral Purposes
- Arson, 1st and 2nd Degree
- Assault, 1st and 2nd Degree
- Bailjumping (held, charged or convicted of Murder, 1st Degree)
- Extortion, 1st Degree
- Kidnapping, 1st and 2nd Degree
- Manslaughter, 1st and 2nd Degree
- Murder, 1st and 2nd Degree
- Vehicular Homicide
- Vehicular Assault
- Robbery, 1st and 2nd Degree

If you answered "yes" to the three questions, if the offense in which you were involved is listed above, and if you wish to be notified of specific system movements of the offender, you must inform the Victim/Witness Notification Program in the following manner:

- A. You must fill out the VICTIM/WITNESS Registration Card. Even if you do not have sufficient information to complete the Registration Card (you must at least have the offender's name), you may still submit a request for registration. A registration card should be available with this brochure. If not, you may obtain one from the nearest Department of Corrections office or facility, Prosecuting Attorney's Office or County Clerk's Office.
- B. You must mail the Registration Card by **Certified Mail** to the VICTIM/WITNESS NOTIFICATION PROGRAM, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504. **Certified Mail** is available at your local Post Office.
- C. You must notify the Victim/Witness Notification Office, in writing, each time your address changes. The VICTIM/WITNESS NOTIFICATION PROGRAM cannot notify you of the offender's status if you fail to report each change of address. A current telephone number is also requested. All registration material is deemed confidential and will be safeguarded.



Upon receiving your VICTIM/WITNESS Registration Card, your eligibility to participate in the program will be determined by verifying the conviction for a violent or sex offense (as listed above), the sentence date, and the commitment to prison. Also, your involvement as a victim or witness will be confirmed. After eligibility is determined, you will be notified of your enrollment in the VICTIM/WITNESS NOTIFICATION PROGRAM by mail. Should you wish, at any time, to discontinue your participation in the program, you may do so by requesting by **Certified Mail** to be removed from the VICTIM/WITNESS NOTIFICATION PROGRAM.

How can I contact the Victim Services Office?

Victims are welcome to visit personally a representative of the Victim Services Office, to discuss concerns, obtain information, or just to talk. You may wish to make an appointment before traveling to PPD's Central Office at 8610 Shoal Creek Boulevard in Austin.

A representative of the Victim Services Office will always be available to discuss victims' concerns during normal working hours Monday through Friday, (8:00 a.m. - 5:00 p.m.).

Toll-free telephone number

To provide swift and courteous attention to victims' concerns, PPD has obtained a toll-free telephone number for victims only. The number is:

1(800)-84VICTIM

Victims can call this number during normal state working hours and obtain assistance. The Victim Services Office may also be contacted by calling (512)459-2706, or by writing to:

Victim Services Office
Texas Department of Criminal Justice
Pardons and Paroles Division
P.O. Box 13401, Capitol Station
Austin, Texas 78711



The Pardons and Paroles Division wishes to express appreciation to all the Victim Service Organizations for their continuing support and cooperation.

Rights of Texas Crime Victims

1. The right to protection from threats of harm arising from cooperation with prosecution efforts.
2. The right to have your safety and that of your family taken into consideration when bail is being considered.
3. If you so request, the right to be informed about court proceedings, including whether or not they have been canceled or rescheduled.
4. If you so request, the right to information about procedures in the criminal investigation of your case by law enforcement, and about general procedures in the criminal justice system, including plea bargaining, from the prosecutor's office.
5. The right to receive information about the Texas Crime Victim Compensation Fund, which provides financial assistance to victims of violent crimes and, if you so request, to referral to available social service agencies that may provide additional help.
6. The right to provide information to a probation department conducting a presentence investigation about the impact of the crime.
7. If you so request, the right to be notified of parole proceedings by the Board of Pardons and Paroles, to participate in the parole process, and to be notified of the defendant's release.
8. The right to be present at all public court proceedings, if the presiding judge permits.
9. The right to be provided with a safe waiting area before and during court proceedings.
10. The right to prompt return of any property no longer required as evidence.
11. If you so request, the right to have the prosecutor notify your employer of the necessity of your testimony that may involve your absence from work.
12. The right 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.

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Services

Texas Department of Criminal Justice
Pardons and Paroles Division
8610 Shoal Creek Blvd.
Austin, TX 78758 (512)459-2706

Why a Victim Section?

The Victim Services Office was established to address the needs of the victim in relation to the parole process. It is an integral part of the Texas Department of Criminal Justice Pardons and Paroles Division (PPD).

The Victim Services Office is devoted entirely to assisting victims in matters concerning parole, mandatory supervision, and restitution. The section is the primary reference point within the agency for victims.

Who is a victim?

The Texas Crime Victims' Bill of Rights defines a victim of *violent* crime as someone who

- has suffered bodily injury, death, or who has been the victim of a crime involving sexual assault, kidnapping, or aggravated robbery;
- is the close relative (spouse, parent, brother, sister, or adult child) of a deceased victim; or
- is the guardian of a victim.

What is a Victim Impact Statement?

A Victim Impact Statement (VIS) is a form used by law enforcement agencies, prosecutors, and other participants in the criminal justice system to record the impact of an offense on the victim. The VIS provides information needed to contact the victim at any stage of the criminal justice process including notification about release.

A victim may include on the VIS information about how the crime affected him or her emotionally, financially, and physically. The victim may also include any other information he or she wishes to submit.

Victims may obtain the VIS from county attorneys, district attorneys, criminal district attorneys, and victim/witness coordinators throughout the state. The forms are also available through the Texas Crime Victims Clearinghouse.

The VIS is delivered with offense and commitment data to the prison system headquarters in Huntsville. The copy of the VIS is then sent to PPD from Huntsville.

The VIS is confidential. The VIS becomes a part of the inmate case file and remains at the Central Office in Austin. Inmates are not aware of Victim Impact Statements filed and do not have access to their case files.

Remember: The Victim Impact Statement is confidential.

What procedures are used to notify victims?

Any interested party can request to be notified of an inmate's release by telephoning, writing, or by submitting a Victim Impact Statement to PPD. PPD will notify victims and other requesting parties when each of the following occur:

- A Victim Impact Statement/Inquiry has been received by PPD.
- The inmate initially enters the parole review process.
- The inmate has received a tentative favorable action (vote) for parole from decision-makers.
- The inmate has been issued a certificate of release to parole or release to mandatory supervision.

Upon request, death penalty case status notification will also be done.

Persons requesting notification must ensure that the Victim Services Section has a current address and telephone number for inmate release notification purposes.

Remember: If your address or phone number changes, let PPD know.

What is restitution?

Restitution is money the releasee is ordered to pay to the actual victim of an offense. Restitution can be ordered only by the sentencing judge in the case, and is recorded on the sentence and judgment documents by the court. Restitution should not be confused with fines, court costs, or attorney fees. Releasees pay restitution to the Pardons and Paroles Division, which then distributes the money to the victim. This ensures that the victim and releasee have no contact with one another in the process. Direct any questions on this special service to Judith Telecky, (512)459-2713.

What information can I send to PPD?

In addition to the Victim Impact Statement, PPD will accept for consideration any additional information from the victim concerning the offense or offender. Such additional information received from a victim is, like the VIS itself, confidential. The information remains in the inmate's case file at the PPD Central Office. Inmates are not made aware of any information submitted to PPD by victims, and inmates do not have access to their case files.

What services are provided?

- Assistance in determining inmate status.
- Notification to victims about inmate releases, and explanation of victim notification.
- Assistance with restitution processing.
- Explanation of parole and mandatory supervision law.
- Processing of the Victim Impact Statement and any other additional information submitted by victims.
- Information and referral.

YOUR RIGHTS AS A VICTIM

VICTIM NOTIFICATION

Victims, and family members of victims may request to be notified when an inmate is scheduled to be released from prison to parole supervision, and when an inmate escapes from an institution or re-entry facility. All requests **MUST** be made in writing to the Department of Corrections (CDC). It is the requester's responsibility to keep CDC informed of new addresses and telephone numbers. Information about the victim (addresses, phone numbers, etc.) is kept confidential and will not be made available to the inmate unless consent is given by the victim.

VICTIM INPUT INTO CONDITIONS OF PAROLE

You can have input into the following conditions of parole:

1. You can request that the parolee be required to live in another county or in another city within the committing county if you are clearly threatened; or, you can request parolee placement 20 miles outside of the actual residence of a victim or family member.
2. Restrictions can be placed on contact with you. Parolee contact with a victim without written permission from the parole agent can be justification for parole revocation and return to custody.
3. Restrictions can be placed on where parolees work. For example, embezzlers can be prohibited from contact with money or checking accounts. Parolees who were sentenced on child abuse cases can be restricted from contact with children.

If you are interested in having input into the conditions of parole, contact the Parole and Community Services Division to find out the name and location of the assigned parole agent.

VICTIM NOTIFICATION OF BPT HEARING

When requested, the Board of Prison Terms (BPT) will notify victims, or victim family members, of BPT hearings to set parole dates for lifers. Requests **MUST** be made in writing as victims are not routinely notified. After receiving the request, the BPT Executive Officer will send you a form, called a declaration, which you must sign and return stating that you are a victim or next of kin of the victim.

Once the declaration is returned, your request will be kept on file and you will be contacted when the parole hearing is set. If you move, you **MUST** notify the BPT of your new address.

Once the inmate is scheduled for a Parole Consideration Hearing, you will be notified in writing. A victim may request through the BPT Executive Officer to appear before the Board and make a statement. If you cannot attend the hearing, but would like to make a statement, you may submit a written statement or an audio tape to the BPT.

RESTITUTION

The State Board of Control, Victims Assistance, is the state agency responsible for administering the Victims Restitution Fund. The restitution fund is for victims of violent crimes who suffer out-of-pocket losses and who may be eligible to apply for financial reimbursement. The fund will reimburse eligible victims for lost wages or support, medical or psychological counseling expenses and other related costs. **THIS FUND DOES NOT CANCEL THE OFFENDER'S OBLIGATION TO PAY YOU YOUR RESTITUTION.**

Although the Department of Corrections cannot impose restitution, inmates may volunteer to donate money they earn to pay restitution to victims. Corrections **CANNOT** collect restitution on civil judgements (unpaid bills, spousal support, tort claims). Victims should contact the county district attorney or probation office to receive assistance on how to collect civil judgements of restitution.

RESOURCES FOR VICTIMS

California Department of Corrections
Victims of Crimes Services Coordinator
Special Projects Branch
P.O. Box 942883
Sacramento, CA 94283-0001
(916) 324-6737

Parole and Community Services Division
P.O. Box 942883
Sacramento, CA 94283-0001
(916) 445-0200

Board of Prison Terms
545 Downtown Plaza
Suite 200
Sacramento, CA 95814
(916) 322-6366

Prepared by: The California Department of Corrections

Informed & Involved...



The Office for Victims Services

S.C. Department of Probation, Parole, and Pardon Services
2221 Devine Street, P.O. Box 50666, Columbia, S. C. 29250
(803)734-9367

Meeting the Victim's Needs...

In 1984, South Carolina enacted progressive legislation providing crime victims and witnesses greater access to, and participation in, the state's criminal justice system. In response to this legislation, entitled the Victims' Bill of Rights, the South Carolina Department of Probation, Parole, and Pardon Services (DPPPS) augmented its services to provide greater assistance and attention to victim and witness participants in the community corrections process.

The Department has gone beyond merely meeting the requirements mandated by the Victims' Bill of Rights. It established the Office for Victims Services within the DPPPS Executive Division.

A Director of Victims Services and a Victims Services Liaison serve as facilitators for victims and witnesses opposing parole and pardon matters, and provide assistance to victims and witnesses in attendance at weekly Parole Board hearings. These staff members work closely with DPPPS Probation/Parole Agents in a combined effort to address the needs of the victims of offenders on probation, parole or early release. The Victims Services staff also remain in close contact with victim advocates on the local, state and national levels.

Why Informed & Involved?

Victimization is not a one-time occurrence. Victims - as well as witnesses - can often find themselves feeling victimized all over again during their participation in the trial process and in further contact with the criminal justice system.

The DPPPS Office for Victims Services strives to eliminate the feeling of victimization, by encouraging victims and witnesses to learn more about, and become participants in, the community corrections process.

The DPPPS Office for Victims Services assists the victim or witness to become both informed and involved, so that:

- He/she may experience less frustration and trauma with court and prison personnel, and be better prepared to participate in the criminal justice system if he/she chooses.
- He/she may provide a more complete picture of the effects of crime, enhancing DPPPS' ongoing evaluation of the effectiveness of community corrections programs.

The Parole Process

The South Carolina Department of Probation, Parole, and Pardon Services sends a 30-day written notice of parole hearings to the victims and witnesses of both violent and nonviolent crimes. Notifications are also issued to law enforcement officials, solicitors and judges.

Each notice specifies the date, location and time of the parole hearing. It informs the victim or witness of his/her right to attend the hearing and present testimony to the Parole Board regarding parole consideration of the inmate.

Should the victim or witness not desire to attend the hearing, he/she may submit a written statement for the Board's consideration.

The notification letter also includes information regarding security measures for entering the institution where the parole hearing will be held. In addition, there are instructions for contacting the DPPPS Office for Victims Services, so that the victim or witness may provide advance notice of his/her attendance at the parole hearing, or to obtain additional information.

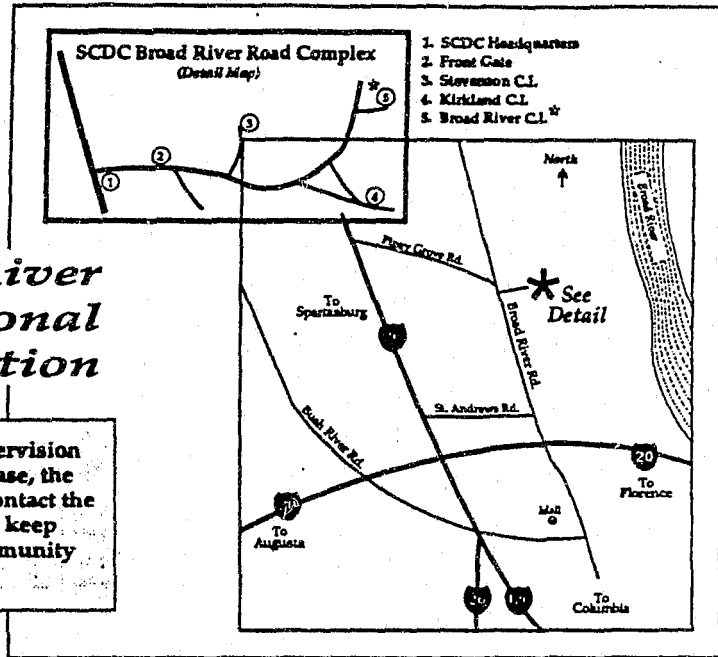
The Parole Board strives to make well-founded parole decisions based on a wealth of information regarding each case. Input from the victim or witness is an important part of this process.

Should a parolee be charged with a violation of his/her parole agreement, the victim or witness has the right to attend a violation hearing to consider revocation of parole. The victim or witness may submit a written statement to the Parole Board for consideration at the hearing(s), if he/she does not wish to attend.

The DPPPS Parole Division notifies the victim or witness when parole is approved.

Broad River Correctional Institution

Whether the offender is under supervision for probation, parole, or early release, the victim or witness is encouraged to contact the offender's Supervising Agent, to keep informed and involved in the community corrections process.



Probation

DPPPS Probation/Parole Agents in local county offices obtain victim impact statements (when available) from the Circuit Solicitor's office. After the original filing of the statement and through contact with the victim or witness during the pre-parole investigation process, agents often learn of the continuing effects of the crime - or "victimization" - on the victim or witness.

Court-ordered and Parole Board-ordered restitution to the victim is monitored by DPPPS staff.

The victim or witness is also afforded the opportunity to attend probation violation hearings. However, should he/she decide not to attend, the agent provides written notification of the hearing's disposition following the proceedings.

Youthful Offender Release

If the victim or witness has filed a notification request, the Office for Victim Services also informs him/her of the pending release of youthful offenders (ages 17-24) to parole supervision.

During the release process, the victim or witness may submit a written statement of concern to the DPPPS Youthful Offender Parole Review Board for consideration.

After the hearing, if requested, the victim or witness will be notified of the Parole Review Board's decision.

Early Release

When invoked by the Governor, DPPPS administers an early release program designed to reduce prison overcrowding. This program, EPA II, allows for victim and witness input regarding an inmate's consideration for early release.

The victim or witness who has filed a notification request is informed by the Office for Victim Services of his/her right to oppose the pending early release of an inmate under EPA II.

Should the victim or witness exercise this right, an opposition hearing is scheduled with a DPPPS Hearing Officer to document that input. The victim or witness may also attend the Parole Board hearing at which the final decision is made.

DPPPS County Offices

Abbeville 459-5323	Dillon 774-8441	McCormick 465-2428
Aiken 648-4221	Dorchester 563-5125	Marion 423-2666
Allendale 584-4106	Edgefield 637-4083	Marlboro 479-3041
Anderson 226-3408	Fairfield 635-1411	Newberry 321-2115
Bamberg 245-2901	Florence 665-3063	Oconee 638-4255
Barnwell 259-5125	Georgetown 546-9798	Orangeburg 533-1000
Beaufort 525-7349	Greenville 298-8585	Pickens 868-2375
Berkeley 761-8395	Greenwood 942-8652	Richland 253-6286
Calhoun 874-2537	Hampton 943-3946	Saluda 445-2080
Charleston 724-6700	Horry 248-1332	Spartanburg 596-2582
Cherokee 489-4568	Jasper 726-7728	Sumter 778-5185
Chester 581-2545	Kershaw 425-1510	Union 429-1645
Chesterfield 623-7748	Lancaster 285-6906	Williamsburg 354-5404
Clarendon 435-8885	Laurens 984-4564	York 684-8525
Colleton 549-5333	Lee 484-5341	
Darlington 393-4741	Lexington 359-2551	

Frequently Called Numbers

DPPPS Office for Victims Services	734-9367
S.C. Crime Victim Compensation Fund	737-9465/3609
Victims' 24-Hour Action Hotline	1-800-521-6576
S.C. Department of Corrections	737-9313
S.C. Attorney General's Office	734-3737
Crime Victims' Research & Treatment Center	792-2945
S.C. Governor's Office, Division of Public Safety	734-0423

SECTION E

GUIDELINES FOR VICTIM SERVICES IN THE PAROLE PROCESS

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GUIDELINES FOR VICTIM SERVICES IN THE PAROLE PROCESS

Introduction

The *Final Report* of the President's Task Force on Victims of Crime published in 1982 included four key recommendations for paroling authorities to involve crime victims in the parole process, and create protections for both victims and society as a whole. These recommendations were:

1. Parole boards should notify victims of crime and their families in advance of parole hearings, if names and addresses have been previously provided by these individuals.
2. Parole boards should allow victims of crime, their families, or their representatives to attend parole hearings and make known the effect of the offender's crime on them.
3. Parole boards should take whatever steps are necessary to ensure that parolees charged with a crime while on parole are immediately returned to custody and kept there until the case is adjudicated.
4. Parole boards should not apply the exclusionary rule to parole revocation hearings.

The past decade has witnessed some very important improvements in victims' rights in the parole process in many states. The majority of states now allow crime victims to attend and testify at parole* hearings. In addition, many other persons with interest in a particular offender's disposition may also attend and testify at parole hearings, as noted in the following chart:

* All references to parole in this section -- obtained from the National Survey of Adult and Juvenile Corrections Agencies and Parole Agencies -- refer to adult parole only.

PAROLE HEARINGS

	# States Allowing <u>Attendance</u>	# States Allowing <u>Testimony</u>
Crime Victims	29	28
Witnesses	26	22
Law Enforcement Officials	25	23
Victims' Families	26	25
Witnesses' Families	24	20
Victims' Or Witnesses' Designated Representatives	29	25
Victim/Witness Support Person	27	20
Victim Advocate	23	22
Judicial Representative	25	22
Prosecutors	28	25
Concerned Citizens	21	17
News Media	19	N/A
Others	15	11

In ten states, parole hearings are open to the general public. Offenders in West Virginia can request that no one be present at parole hearings except the Parole Board, corrections officers and themselves. And in New Jersey, only the Parole Board members and inmate are allowed at hearings.

Furthermore, nine states allow anyone to testify (either orally or in writing) before their paroling authority.

Ten state parole agencies have a staff member specifically designated to accompany victims, witnesses and their families at any hearings related to the offender's release.

<u>Type Of Information Provided To Victims</u>	<u># States Providing</u>
Who Can Attend Hearings	31
Maximum Number Of Attendees Per Offense	8
Time, Date And Location Of Hearing	32
Directions To Specific Hearing Room	25
Where To Park	20
Agenda Which Specifies The Order Of Testimony	13
Recommendations About How To Testify Effectively	12
What To Wear	6
What They Can and Cannot Bring	15
Name, Address And Phone Number Of Victim Contact Person In Agency	27

The nationally recognized victim services program in the South Carolina Department of Probation, Parole and Pardon Services provides all the information noted above to victims prior to parole hearings.

Face-to-face confrontation between the victim and the offender or his/her family is often very distressing to victims. Thirty states have taken procedures to limit or control such face-to-face confrontations. Some of these measures include:

- Conducting separate hearings for offenders and victims.
- Allowing victim testimony without the offender present.
- "Teleconferencing" parole hearings with victims present at parole board offices, while the offender remains in the institution.

In Idaho, psychological counseling is available to any victims who need support from a trained social worker.

Seventeen states have institutions with waiting areas for victims who attend parole hearings that are separate by sight and sound from offenders, their families and their legal representatives. Parole agencies in five states have plans to modify existing structures to provide separate waiting areas for victims. And in California, the Department of Corrections has plans to create separate waiting areas for victims in the architectural designs for new institutions.

When parole agencies were asked if offenders or their attorneys are ever given access to the victim's impact statement (VIS) or oral testimony, they responded as follows:

<u>Access To VIS Or Victim's Testimony</u>	<u>Yes</u>	<u>No</u>	<u>Not Sure</u>
Given Before The Hearing	6	33	2
Given During The Hearing	18	21	2
After The Hearing	14	25	2

And in 15 states, offenders are allowed to respond to victims' testimony or impact statements.

A number of states take crime victims' needs into consideration when scheduling parole hearings. Some of the different ways that programs try to accommodate problems victims sometimes have attending parole hearings include:

<u>Agency Action</u>	<u># States Allowing Such Actions</u>
Reschedule Hearing If It Is Impossible For Victim To Attend	25
Reschedule Hearing If Offender Requests	33
Notify Victim When An Offender's Parole Hearing Is Rescheduled	28
Conduct Hearing At Institution Closer To Victim's Home	11
Allow Victim To Provide Testimony Or Input At Location Different From Location Of Parole Hearing	34

The survey found that 36 parole agencies inform victims about the outcome of parole board hearings and related decisions. In 10 states, victims are notified at the hearing itself; in 33 states, victims are informed of parole board decisions by letter; and in 19 states, victims are contacted by telephone.

Parole Violations

Only six state parole agencies routinely notify victims of parole violation hearings. However, in 22 states, victims are allowed to have input prior to or during parole violation hearings. Twenty states allow victims to submit written impact statements; 17 states allow victims to testify at violation hearings; and 12 states now allow victims to submit videotaped impact statements to be played at the hearing.

Fourteen states generally attempt to notify victims of the originating offense for which the offender was on parole of subsequent parole violations. And in 23 states, victims of the new offense, which resulted in the parole violation, are notified of the fact that the crime was, indeed, a violation of the offender's condition of parole.

Survey respondents were asked to identify the percentage of parole hearing offender files containing victim notification requests, and also the percentage of parole hearings with victims in attendance. It is estimated that approximately 24.9 percent of parole hearing files include victim notification requests. Respondents also estimated that an average of eight percent of parole hearings are attended by victims of crime or their representatives.

Victim Input At Parole

Thirty-six states now have laws which allow victims to give input at parole release hearings through a written victim impact statement, an oral statement (known as "allocation"), or both. Furthermore, in 34 states, if an offender was sentenced prior to the passage of that state's victim impact statement law, victims of that offender are **still** allowed to submit victim impact statements.

The majority of states also allow audiotaped or videotaped victim impact statements at parole hearings.

<u>Types Of Victim Impact Statements Allowed</u>	<u>Yes</u>	<u>No</u>	<u>Not Sure</u>
Oral (allocation)	31	5	0
Written	36	0	0
Audiotaped	28	6	2
Videotaped	24	7	5

In 28 states, the original victim impact statement that was prepared for the sentencing hearing (as part of the criminal proceedings) is kept on file by corrections authorities, and reviewed as part of the parole process. Twenty-two states invite victims to submit an updated impact statement which includes any evidence of communication from the offender or the offender's associates since sentencing.

Sometimes crime victims prepare victim impact statements (VIS) themselves. In other cases, their statements are prepared by probation or parole officers during the pre-parole investigation.

<u>Who Might Prepare VIS</u>	<u># States</u>
Probation/Parole Officer During The Pre-Parole Investigation	7
Crime Victims For Themselves	19
Either At Decision Of Both Parties	6

In Hawaii, Kentucky and South Carolina, a staff member from the prosecutor's office also might prepare victim impact statements for use at parole hearings.

Idealistically, parole boards function as an intricate part of the corrections process to ensure that the granted privilege of parole is based on an objective, unbiased decision.

Parole boards, in their effort to determine "offender risk," must gather all available and useful information that aids effective decision making. They attempt to achieve a balance by using risk assessment tools and allowing input from inmates, victims and witnesses, criminal justice officials, the news media, various agency representatives and the public. This open process relies on both "paper and people" to grant or deny an inmate's parole and is progressive, humanistic and, above all, maintains accountability which is paramount to all parole agencies.

Parole agencies must not only be accountable to the public when exercising the parole decision, but also serve the community with a professional staff that is trained and committed to making sure victims and witnesses are treated with dignity and respect. If parole is granted, victims and witnesses should become part of the supervision plan and work closely with the parole agent to maintain offender compliance with all conditions set forth in the parole contract.

THE PHILOSOPHICAL CONTENT OF YOUR PROGRAM

In order to effectively establish victims' services and programs in parole, the agency must:

- set goals;
- determine objectives; and
- evaluate existing services and policies.

Prior to establishing your agency's basic philosophy about crime victim services, you should take time to meet with victims and service providers in your state to:

- determine what crime victims and witnesses want and need to know about the parole process;
- ascertain any problems or concerns victims and witnesses may have experienced in the past with your agency;
- obtain information about the mental health needs of victims and the specific challenges they face when their offender becomes eligible for parole; and
- determine mutual needs and ideas that can provide the foundation for any program planning you conduct relevant to victim services.

In addition, many of the resources contained in this conference notebook will be useful to you as you seek to initiate or improve crime victim services in parole.

Recommendations

- Develop a one-or-two year comprehensive activity plan for services, establishing a philosophical basis which incorporates crime victims' needs and concerns (see Appendix A).
- Seek management support for policy development and/or changes, which may require changing existing legislation limiting the implementation of victim services.

- Address the issue of "open" versus "closed" parole hearings, and seek an open process if it is administratively feasible and not prohibited by state statute.
- Develop a comprehensive package of program and policy information about victims' needs and services for dissemination to your staff and the public. This includes an informational brochure (See Appendix B) and media outreach activities, such as press releases and public service announcements.
- Utilize existing publications (such as newsletters, bulletins and magazines) of criminal justice, victim service and corrections agencies to help "spread the word" about your program.
- Form an internal task force or steering committee to plan and implement your program. Task force or committee members from your staff may help to ensure a "buy-in" from your entire agency.
- Form external networks and links with victims and service providers, and implement cross training among organizations and agencies.
- Include a training component about victim services as part of agent orientation and continued education for all levels of staff.
- Designate certain staff as victim service liaisons (you can use existing staff members if they are properly trained) (see Appendix C for job description)
- Recruit volunteers at every level of your program. Excellent sources for volunteers include victim service agencies, churches and civic organizations (see Appendix C for internship and/or volunteer job descriptions).
- Develop policy and procedures that address staff as victims (see "Staff Victimization and Critical Incidents" section of this notebook).

Programmatic Design

Victim service programs should be well thought out and comprehensive from the initial phase of parole eligibility through the parole supervision plan.

Develop consistent data management and administrative procedures which include:

- appropriate forms; and
- automation versus manual tracking and filing system.

Ensure the confidentiality of all information you gather:

- By knowing and understanding "public" information policies and procedures (see Appendix D).
- By keeping such information in a separate, confidential file.
- By changing legislation which threatens victims' confidentiality, either by amending existing statutes or by passing new laws.

VICTIM IDENTIFICATION AND IMPACT ASSESSMENT: THE PRE-PAROLE PROCESS

Recommendations

Once the inmate is eligible for parole, victims and witnesses should be identified by name, address, and telephone number and contacted as part of the pre-parole process to:

- determine the impact the crime has had on them; or
- update any prior victim impact statement they may have submitted to the criminal justice or corrections systems.

Identify victims and witnesses by utilizing existing data collected in the early stages of the criminal justice system, including records from:

- law enforcement;
- prosecutors; and/or
- helping professionals.

Develop and evaluate tools that assess victim impact prior to and after sentencing, such as:

- pre-sentence report;
- victim impact statement; and
- pre-parole investigation reports.

Utilize non-criminal justice sources to assess and document the impact of crime on the victim and related financial losses, such as:

- psychological reports;
- victim compensation claims;
- insurance reports; and

- other applicable sources.

Assessments of victim impact should be compiled and routed to the offender's central file which the paroling authority reviews for parole consideration.

Notification Of Parole Hearings

Recommendations

Once a parole hearing is scheduled, victims and witnesses should be notified of their rights in the parole process well in advance of the hearing (at least 30 days). Educational information should be mailed to the victim or witness explaining their options for input into the parole process, including:

- written victim impact statements;
- direct allocution;
- victim impact statements on audiocassettes; and/or
- victim impact statements on videotape.

In addition, victims and witnesses should be provided with detailed information and guidelines (see Appendix E), including but not limited to:

- who can attend the hearing;
- maximum number of attendees per offense;
- time, date and location of hearing;
- directions to the specific hearing room;
- where to park;
- agenda which specifies the order of testimony;
- recommendations about how to testify effectively;

- what to wear;
- what they can and cannot bring; and
- the name, address and telephone number (1-800 number if possible) of the victim service contact person in your agency.

If possible, all concerned parties (including law enforcement, prosecutors, judges and the victims' representatives) should be contacted for input (see Appendix F for sample policies, procedures, letters and forms).

VICTIM INPUT INTO THE PAROLE PROCESS

Recommendations

- If an open hearing process exists which allows victims and witnesses to testify to the paroling authority, complete separation (by sight and sound) of the victim and inmate should be maintained throughout the entire process.
 - Separate waiting rooms should be staffed with personnel (utilizing volunteers, as needed) and may include certain accommodations such as (See Appendix G):
 - information relevant to the parole process and their rights therein;
 - beverages and snacks;
 - newspapers and magazines;
 - toys;
 - restroom facilities;
 - telephone;
 - television and VCR;
 - a non-smoking area; and

- a private area.

Please refer to the "Guidelines for Separate Waiting Areas" section of this notebook and Appendix H for additional information.

- Modifications should be made to existing structures without specific separate waiting areas to accommodate a safe environment for victims and witnesses who choose to attend parole hearings.
- Parole cases with victim/witness input should be given priority on the case docket over cases in which there is no victim/witness or public concern.
- Victims and witnesses should be the last persons to testify in a parole hearing.
- Precautions should be taken to ensure that victims and witnesses have no contact with either the inmate or persons attending the hearing to speak on his/her behalf.
- The decision to grant or deny parole should be explained to the victim or witness who testified at the hearing as soon as possible. Those victims who do not attend the hearing and wish to be notified of the outcome should be contacted by phone as soon as possible or a "user friendly" notification letter can be used.
- If parole is granted, victims and witnesses may be involved in developing the parole supervision plan to include:
 - conditions of parole;
 - restitution;
 - no contact with the victim or witness;
 - release to another jurisdiction away from the victim's or witness' residence;
 - community service;
 - intensive supervision;
 - drug testing;

- specific treatment services; and or
- curfew or house arrest.
- Develop a community resource directory to help you provide effective referrals for additional services to crime victims and witnesses, or contact your state's victim service coalition (if applicable) to determine if such a directory already exists.

PAROLE SUPERVISION

Services to victims and witnesses should extend into community supervision, where their input can be effectively utilized to develop a supervision plan which is equitable and satisfactory for all.

Recommendations

- Victims and witnesses should be given information about:
 - the location of supervision;
 - supervising agent's name and contact information; and
 - information about conditions of parole (including any special conditions).
- Victims and witnesses should contact the supervising agent for input into the plan of supervision or if assistance is needed for a community service referral.
- If the parolee will be supervised in another state, victims and witnesses can contact the National Victim Center to obtain contact information for the correctional agency staff who is responsible for victim services.
- Parole supervision should have a mechanism to identify those victims and witnesses who desire notification in the event of a status change in parole supervision (such as violation, transfer, termination, etc.) for which the victim wants to be notified and be able to provide input.
- All contacts between the agent and the victims and witnesses should be documented and confidentially maintained.

- Victim/offender programs should be utilized if possible and if agreed upon by applicable parties. Examples of such programs are:
 - mediation;
 - conciliation; and/or
 - victim impact panels.

Last but certainly not least, complete protocol should be developed before, during and after the parole process to ensure consistency and to guarantee that all victims are treated with dignity and respect.

Similar victim service programs exist in many states' adult and juvenile and corrections agencies.

Please refer to the "Corrections-based Victim Service Programs" section of this notebook for additional information.

Objective: Refine and evaluate services to victims as part of the parole process.

<u>Activities/Tasks</u>	<u>Individuals Responsible</u>	January	February	March	April	May	June	July	August	September	October	November	December
Revise the victims services portion of the pre-parole investigation directive to develop consistent notification policy	<i>Brett Macgargle, Frank Burke, Ann Hyde</i>	★											
Update slide show	<i>Brett Macgargle, Beth Allain</i>		★							★			
Update current victims display board package	<i>Marian Lindsey, Beth Allain</i>		★									★	
Update the victims information board in the opposition room at BRRCI	<i>Marian Lindsey</i>			★									
Formalize victims services training for new agents as part of the CJ Academy program	<i>Brett Macgargle</i>				★								
Gather data to analyze victim opposition during the YOA and Short Term Parole Process	<i>Marian Lindsey</i>					★							★
Complete a geographical analysis of victim opposition at hearings	<i>Brett Macgargle, Marian Lindsey</i>							★					
Redesign victims brochure	<i>Brett Macgargle, Beth Allain</i>		★										
Network with all 16 Solicitor-based victim advocates, and all AICs concerning victims services	<i>Brett Macgargle, Marian Lindsey</i>		★	★		★		★		★			★
Gather data to analyze restitution ordered and paid	<i>Brett Macgargle, Sandy Gibson, Ann Hyde, Gwen Bright, Rob McManus</i>									★			
Coordinate with national victims services providers (NOVA, NVC, NIC, NIJ, ACA, APPA) in collecting information for improvement of services to victims	<i>Marian Lindsey</i>						★						★

★ Projected Completion Date

Appendix A : South Carolina 1991 Task Activity Plan

F-17

OFFICE FOR VICTIMS SERVICES

1991 TASK ACTIVITY PLAN

Objective: Implement a comprehensive program for victims services as part of probation.

E-18

<u>Activities/Tasks</u>	<u>Individuals Responsible</u>	January	February	March	April	May	June	July	August	September	October	November	December
Train Coordinators of Victims Services (CVS)	<i>Brett Macgargle</i>	★		★			★			★		★	
Update slide show	<i>Brett Macgargle, Beth Allain</i>		★							★			
Update current victims display board package	<i>Brett Macgargle, Beth Allain</i>		★									★	
Develop computer program/process to assist program efforts	<i>Brett Macgargle, Neil Lown</i>			★									
Complete a statistical analysis of the two projects	<i>Brett Macgargle</i>			★		★		★				★	
Formalize the identification, notification and monitoring procedure, including forms, letters, logs, contact sheets and filing system	<i>Brett Macgargle, Jackie Flynt, Jim Moore</i>			★									
Formalize victims services training for new agents as part of the CJ Academy program	<i>Brett Macgargle</i>			★									
Revise the local victims' resource directory in Charleston County	<i>Jackie Flynt, Jim Moore</i>				★							★	
Coordinate with Public Information to profile agency efforts in services to victims to media sources	<i>Brett Macgargle, Tom Hudson</i>					★							
Develop training curriculum for agents in contact with victims (stages of victimization, methods for diffusing anger, etc.)	<i>Brett Macgargle</i>											★	
Implement a comprehensive program for services for victims on a statewide basis, based on the pilot program evaluation (to be determined at a later date)	<i>Brett Macgargle, Mike Cavanaugh</i>											★	

★ Projected Completion Date

South Carolina Department of
Probation, Parole & Pardon Services

VICTIM'S FACT SHEET

- Q: When do inmates become eligible for parole?**
A: Inmates serving for a violent crime in South Carolina become eligible for parole after serving one-third (1/3) of their sentence; nonviolent offenders after one fourth (1/4) of their sentence. Some inmates may become eligible prior to that time by earning work credits through performing productive duties in the institution.
- Q: What is the difference between violent and nonviolent crime?**
A: Violent crime (as defined in the Code of Laws of South Carolina 1976, as amended) includes Murder, Armed Robbery, Kidnapping, Criminal Sexual Conduct 1st and 2nd Degree, Criminal Sexual Conduct with a Minor, Assault with Intent to Commit Criminal Sexual Conduct 1st or 2nd Degree, Assault and Battery with Intent to Kill, Voluntary Manslaughter, Drug Trafficking, Arson 1st Degree, Burglary 1st Degree, Burglary 2nd Degree with Aggravating Circumstances, and Accessory Before the Fact to any of the above crimes. All other crimes are considered nonviolent.
- Q: If an inmate is rejected for parole, when does he/she become eligible for parole again?**
A: A violent offender denied parole is considered for parole every two (2) years after his/her first rejection; a non-violent offender every year after the first rejection.
- Q: What rights do I have as a victim of crime?**
A: As a result of the Victims' Bill of Rights of 1984, victims of crime in South Carolina are entitled to the following:
- To be treated with dignity and compassion.
 - To be protected from intimidation and harm.
 - To be informed concerning the criminal justice process.
 - To preserve property and employment.
 - To due process rights in criminal court proceedings.
 - To receive special recognition and attention from criminal justice, medical, and social agencies if the victim is very young, elderly, handicapped, or has special needs.
- Q: As a victim, do I have a right to object to the early release of an inmate under release mechanisms designed to ease prison overcrowding?**
A: All victims who have filed a Victim Notification Request with the South Carolina Department of Probation, Parole & Pardon Services are notified upon an inmate's consideration for release under EPA II regulations and are given the opportunity to register their opposition to the inmate's release. Nonviolent offenders may also be eligible for Supervised Furlough (SF II) and EPA I early release programs, as determined by the South Carolina Department of Corrections (SCDC). Victims who have filed for notification with SCDC will be notified if the inmate is approved for one of these early release programs.

Further questions? Please contact the Coordinator for Victim Services, South Carolina Department of Probation, Parole & Pardon Services, 2221 Devine Street, P.O. Box 50666, Columbia, South Carolina

DPPPS County Offices

County	Phone
Abbeville	459-5323
Aiken	648-4221
Allendale	584-4106
Anderson	226-3408
Bamberg	245-2901
Barnwell	259-5125
Beaufort	525-7349
Berkeley	761-8395
Calhoun	874-2537
Charleston	724-6700
Cherokee	489-4568
Chester	581-2545
Chesterfield	623-7748
Clarendon	435-8885
Colleton	549-5333
Darlington	393-4741
Dillon	774-8441
Dorchester	563-5125
Edgefield	637-5781
Fairfield	635-1411
Florence	665-3063
Georgetown	546-9798
Greenville	298-8585
Greenwood	229-6622
Hampton	943-3946
Horry	248-1332
Jasper	726-8295
Kershaw	425-1510
Lancaster	285-6906
Laurens	984-4564
Lee	484-5341
Lexington	359-2551
McCormick	465-2428
Marion	423-2666
Marlboro	479-3041
Newberry	321-2115
Oconee	638-4255
Orangeburg	533-1000
Pickens	868-2375
Richland	253-6286
Saluda	445-2080
Spartanburg	596-2582
Sumter	778-5185
Union	429-1645
Williamsburg	354-5404
York	684-8525

Frequently Called Numbers

DPPPS Office for Victims Services	734-9278
S.C. Crime Victims' Compensation Fund	737-9465/3609
Victims' 24 Hour Action Hotline	1-800-521-6576
S.C. Department of Corrections	737-9313
S.C. Attorney General's Office	734-3737
Crime Victims' Research and Treatment Center	792-2945



South Carolina Department of Probation, Parole & Pardon Services *Office For Victims Services*

In response to the 1984 Victims' Bill of Rights, the S.C. Department of Probation, Parole, and Pardon Services (DPPPS) has augmented, and is continually enhancing, its services to victims/witnesses. It is the goal of the Office for Victims Services (OVS) to keep victims/witnesses informed and involved throughout the probation and parole process.

Services Provided by OVS Staff

- ✓ Full-time victims services staff to assist victims throughout the probation and parole process
- ✓ Make direct referrals to victims services providers in the community
- ✓ Work closely with law enforcement agencies, community organizations and victims services providers to assist victims of crime
- ✓ Provide information about the criminal justice system

Parole

- ✓ The victim is contacted by Probation/Parole Agent six months prior to the offender's parole eligibility date.
- ✓ Thirty days prior to the scheduled hearing date, the victim receives a written notification advising of the date, time and place of the hearing.
- ✓ Victims may provide input into an inmate's parole by submitting letters/petitions, by calling the Office for Victims Services, or by attending the parole hearing.
- ✓ If the inmate is denied parole, he/she will be eligible again in two years if serving for a violent offense, and one year if serving for a nonviolent crime.
- ✓ If the inmate is granted parole, the victim will be given the name and phone number of the Agent In Charge in the county where the offender will reside and be supervised (provided the victim is present at the parole hearing).
- ✓ If a victim requests, he/she will be notified if the offender violates the conditions of parole.

Probation

- ✓ Probation/Parole Agents monitor the collection of court-ordered restitution payments.
- ✓ Probation/Parole Agents collect Victim Impact Statements for placement in the offender's file.
- ✓ If a victim requests, he/she will be notified of and may attend violation hearings.
- ✓ Victims may be notified of the outcome of the violation hearings if they are unable to attend.

Office for Victims Services
S.C. Department of Probation, Parole & Pardon Services
P.O. Box 50666, 2221 Devine St.
Columbia, SC 29250

(803) 734-9367



Brett M. Macgargle, Director of Victims Services
Marian M. Lindsey, Victims Services Liaison

THE CODE OF LAWS OF SOUTH CAROLINA 1976, as amended, defines violent offenses as: Murder, Armed Robbery, Kidnapping, Criminal Sexual Conduct 1st and 2nd Degree, Criminal Sexual Conduct with a Minor, Assault with Intent to Commit Criminal Sexual Conduct 1st or 2nd Degree, Assault and Battery with Intent to Kill, Voluntary Manslaughter, Drug Trafficking, Arson 1st Degree, Burglary 1st Degree, Burglary 2nd Degree with Aggravating Circumstances, and Accessory Before the Fact to any of these crimes.

THE S.C. DEPARTMENT OF CORRECTIONS (SCDC), a separate agency, notifies victims if the inmate should escape or be released on a community work program or weekend furlough. In order to register with SCDC to be notified of these programs, call the Victim/Witness Notification Division at (803) 737-9313.

Purpose Statement



Office for Victims Services

South Carolina Department of
Probation, Parole, and Pardon Services

P.O. Box 50666, 2221 Devine Street, Columbia, SC 29250 (803)734-9367

Brett M. Macgargle, Coordinator of Victims Services
Marian M. Lindsey, Victims Services Liaison

PURPOSE OF OVS: To provide direct services to victims/witnesses ensuring that they are informed, involved and given the opportunity to participate in the community corrections process in the State of South Carolina.

HOW VICTIMS/WITNESSES ARE IDENTIFIED: Mainly through the use of victim impact statements and the pre-parole investigation process.

SERVICES PROVIDED: There are two full-time employees located in the executive division of the central office that provide direct services to victims/witnesses. These staff members provide information about the criminal justice system and make direct referrals to victims services providers in the community. Also to assist victims/witnesses, these employees work closely with law enforcement agencies, community organizations and victims services providers.

PAROLE: Six months prior to an inmate's parole eligibility date, a pre-parole investigation is conducted by the probation/parole office in the county where the offense occurred. Probation/parole agents contact the victim to verify details of the facts of offense and to determine the amount of restitution owed, if any. At this time, victims/witnesses are given the opportunity to make a statement concerning their feelings about the inmate being paroled.

Thirty days prior to the scheduled parole hearing date, victims/witnesses receive written notification advising them of the date, time and place of hearing. Some victims send in letters/petitions to oppose parole or call OVS to voice their opinion. Others choose to attend the hearing where they are kept in a secure waiting area separate from the inmates. They are informed of the hearing procedures and are given the opportunity to personally testify before the Parole Board members. They are advised of the outcome of the hearing before they leave the institution. Upon request, victims who do not attend the hearing are notified of the outcome.

In the event parole is granted to the inmate, the victim is informed of the conditions of parole and given the supervising agent's name and phone number. If restitution is ordered as a special condition of parole, the agent will monitor the collection of the payments.

If the offender should violate his/her conditions of parole, the victim will be notified and may attend any hearing that will affect the case to include a preliminary hearing before a hearing officer as well as the violation hearing before the Parole Board.

PROBATION: Our county probation/parole offices are responsible for collecting victim impact statements from the solicitor's office. The impact statement is kept in the offender's local file if he/she receives a probationary sentence and it is forwarded to OVS if the offender is serving time.

If restitution is ordered as a special condition of probation, the agent will monitor the collection of the payments. If an offender violates his/her conditions of probation, victims/witnesses are given the opportunity to attend and testify to the judge at violation hearings and are notified of the outcome of the hearings if they choose not to be present.

In Charleston, Richland and Kershaw Counties pilot programs are in effect which provided additional services to victims/witnesses. Victims are notified of the disposition of the case and the conditions of probation, as well as any special conditions which would affect the victim. They will also be given information regarding referral agencies available in their community.

Other state agencies using the prison labor force include the S.C. School for the Deaf and Blind, the Department of Mental Health, the S.C. Military Department, the S.C. Fire Academy, the State House, the Governor's Mansion, the State Law Enforcement Division (SLED) and the Criminal Justice Academy.

Our goal is to have every able-bodied inmate working eight hours a day. Despite other demands on inmate's time—education, treatment, etc.—we continue working to reach this goal. Through constructive work programs we can help insure that inmates return to society with salable skills that will help them become productive citizens.

Education

The average inmate is a 31-year old who reads on a sixth grade level. More than 75 percent of the inmates entering the system have not completed high school. More than 40 percent of these inmates were unemployed when they were arrested.



The SCDC provides vocational training courses such as welding, brick masonry, carpentry, auto body repair, heavy mechanics, barbering, radio and television repair and secretarial science.

The SCDC also provides academic training which includes a literacy program for those who need and want to improve their reading skills.

In 1989, 4,694 persons in South Carolina earned a General Equivalency Diploma (GED). Of this number, one out of every twelve earned theirs while in SCDC.

This training is crucial because if an inmate cannot read or write, his or her chances of functioning well in society when released from prison are minimal. Lack of education increases the odds that an inmate will return to prison as a repeat offender.

Correctional Institutions in South Carolina

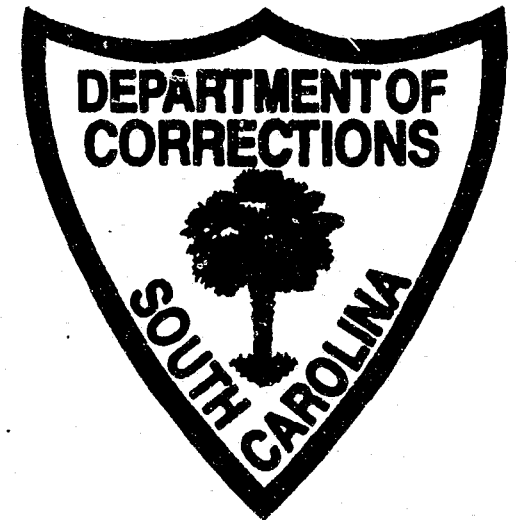
Institutions

Aiken Youth Corr. Center
 Allendale Corr. Institution
 Blue Ridge Pre-Release/Work Center
 Broad River Corr. Institution
 Byrnes Clinical Center
 Campbell Work Center
 Catawba Work Center
 Central Corr. Institution
 Coastal Work Center
 Cross Anchor Corr. Institution
 Dutchman Corr. Institution
 Evans Corr. Institution
 Givens Youth Corr. Institution
 Goodman Corr. Institution
 Greenwood Corr. Institution
 Kirkland Corr. Institution
 Lieber Corr. Institution
 Livesay Work Center
 Lower Savannah Work Center
 MacDougall Youth Corr. Center
 McCormick Corr. Institution
 Manning Corr. Institution
 Northside Corr. Center
 Palmer Work Center
 Perry Corr. Institution
 State Park Corr. Center
 Stevenson Corr. Institution
 Walden Corr. Institution
 Wateres River Corr. Institution
 Watkins Pre-Release Center
 Women's Corr. Center

Location

Aiken
 Fairfax
 Greenville
 Columbia
 Columbia
 Columbia
 Rock Hill
 Columbia
 Charleston
 Enoree
 Enoree
 Bennettsville
 Simpsonville
 Columbia
 Greenwood
 Columbia
 Ridgeville
 Spartanburg
 Aiken
 Ridgeville
 McCormick
 Columbia
 Spartanburg
 Florence
 Pelzer
 Columbia
 Columbia
 Columbia
 Rembert
 Columbia
 Columbia

SOUTH CAROLINA'S PRISON SYSTEM



South Carolina Department of Corrections
 Parker Evatt, Commissioner
 P.O. Box 21787
 Columbia, S.C. 29221

Prepared in Public Affairs Division
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March 199

SCDC

The South Carolina Department of Corrections has custody of all men and women aged 17 or older, sentenced to more than 90 days in prison.

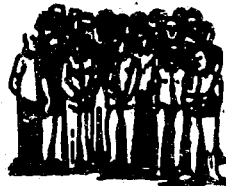


SCDC operates 31 institutions throughout the state and has jurisdiction over approximately 16,600 inmates. During 1989, the inmate population increased by more than 1,900.

Some 16,500 of those inmates are housed in state prisons. About 400 are assigned to locally-operated, prison camps and jails. The remainder are involved in some form of community-based program.

Easing Overcrowding

Since the 1970's, South Carolina has had one of the highest incarceration rates of all the states in the nation. To ease overcrowding, the state



has built several large male institutions, and more are under construction. A second women's prison is under construction and a third one is on "the drawing board".

Various early release measures have been passed by the S.C. General Assembly in an attempt to solve the overcrowding problem without having to build even more prisons. While these offered some relief, the system remains overcrowded. Also, the agency has built wooden barracks and has converted all available space in institutions to housing areas.

In January, 1985, the state settled a lawsuit brought by former inmate Gary Nelson against overcrowded conditions.

Under the terms of the negotiated agreement, SCDC will reduce overcrowding, replace old facilities, increase its staff and their training, and make other improvements.

Farm Produces Food For Prisoners

One means of keeping inmate costs low is to produce our own food, using inmate labor. SCDC has a large farming operation that provides much of the food needed for inmates' consumption. Inmates on the farm supply 100 percent of the department's dairy and pork needs and raise a large portion of its beef requirement.



Prison Industries Produces Revenue

SCDC Prison Industries (PI) is a \$10 million a year business that provides products and services for tax supported and non-profit organizations. The program offers excellent vocational training as well for those inmates working in industrial plants, and replaces their idle time with work time.



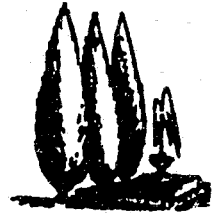
The program helps in three ways. First, eligible agencies and institutions secure high quality products and services at outstanding prices. Second, taxpayers benefit by having prisoners produce income to defray some of the cost of prison operations. Third, it teaches prisoners marketable skills in a work-ethic environment.

Our goal is to expand this program through partnerships with the private sector which do not compete for the jobs of free men and women.

One of the newest and fastest growing PI programs is the Telemarketing Unit at the Women's Correctional Center. Another new program is at Evans Correctional Institution. As many as 125 inmates there will manufacture drapes, valences and traverse rods for two major hotel chains around the world.

Community Program

SCDC has approximately 1,325 inmates involved in community programs such as work release.



Under the regular work release program, inmates work in private industry in Char Aiken, Greenville, Florence, Rock Spartanburg and Columbia, but live in the release centers at night. An inmate is evaluated before being placed on work release must be within two years of parole eligibility.

Since 1966 work release inmates have paid more than \$18.5 million to the SCDC; nearly \$10 million in state and federal taxes and Security; and nearly \$20.4 million in family support. Work release inmates also contribute \$36,000 per month to a victim restitution fund.

Work Programs

Over 12,000 of the SCDC's inmates are productively employed. In addition to those working inside our prisons, more than

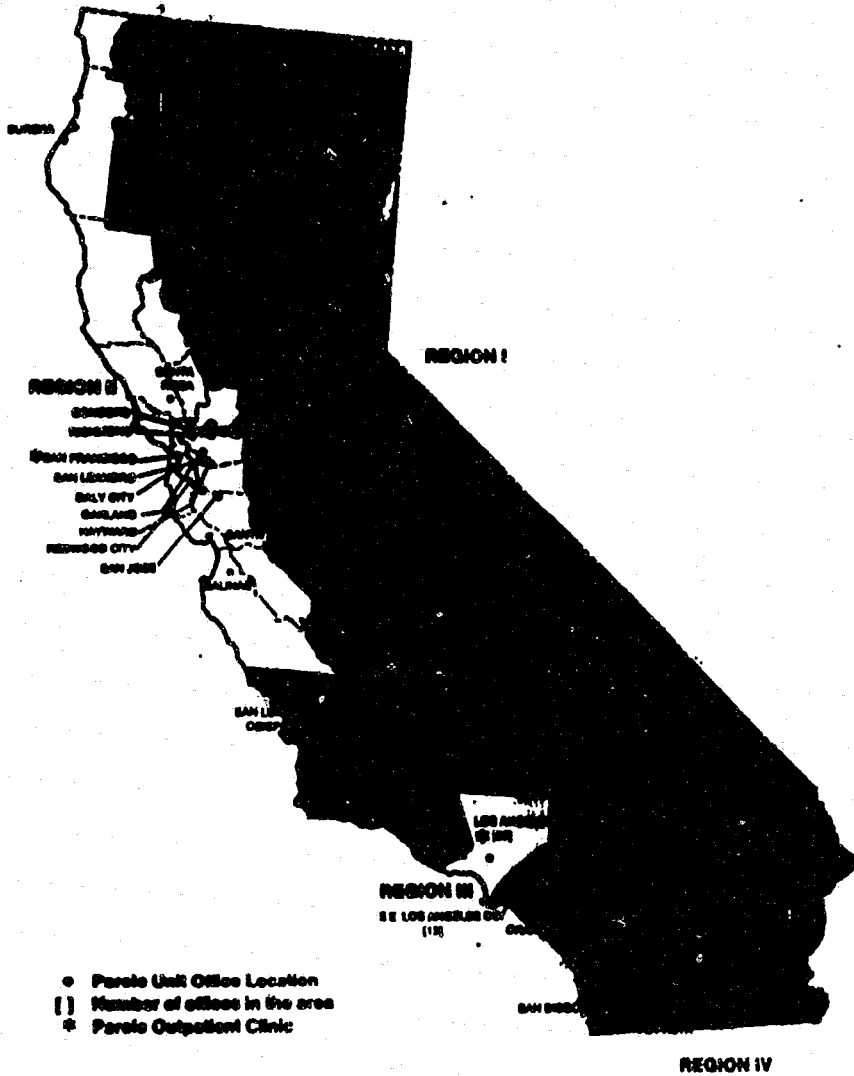


1,050 state prisoners are assigned to work for various counties, municipalities and state agencies.

Approximately 400 inmates are assigned to county or city jails or county prison in most of the state's 46 counties. The inmates involved in public works programs range from road maintenance to garbage collection.

Also, there are approximately 650 inmates picked up at the state prisons in the morning and returned late in the afternoon. A number of counties and cities utilize this labor force. The Department of Highways and Transportation also uses inmate labor for maintenance in several counties.

**PAROLE REGIONS
AND OFFICE LOCATIONS**



E-25

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What Is Parole?

Parole is a period of supervision in the community beginning after an inmate's prison term reaches the legal maximum. This conditional release provides supervision and control over offenders after they return to society.

Parole is a critical period. Through the application of controls and provision of services, the parole agent creates favorable conditions for the parolee's successful adjustment. A law enforcement professional, the agent has broad discretion over the life and street-level experience of a parolee. Community protection is the paramount concern, as well as the parolee's transition.

How Long Does Parole Last?

The amount of time on parole is based on the law. Most convicted criminals are sentenced under the Determinate Sentencing Law which defines the prison terms for all but life sentences. Nonlife inmates are subject to three years on parole, but can be discharged from parole supervision after one year when no parole violations have been detected.

Offenders convicted of life sentences who are released to parole are subject to five years under supervision, but can be discharged after three years if no parole violations have been detected.

What Are Conditions Of Parole?

- Each parolee agrees in writing to abide by four conditions: Parole Agent instructions. Must obey all instructions given by the parole agent.
 - Release, Reporting and Travel. Must report immediately upon release; notify change in residences; report when instructed.
 - No Criminal Conduct.
 - Weapons. Cannot own, use, have access to, or have under control, any type of weapon or ammunition.
- Additionally, special conditions of parole may be imposed individually for cause including anti-narcotic testing, parole-out-patient clinic (psychiatric monitoring), no drinking or prohibition against residing in a given location or associating with specific individuals.

Parolees are subject to search without a warrant by parole agents or any law enforcement officer.



Immediately after release from prison, a parolee must report to his or her parole agent.

When Are Inmates Released to Parole?

Nonlifers

Under determinate sentencing, inmates are released when they serve the term imposed by the court. An inmate can reduce this sentence by satisfactory performance in prison work, training or education programs. By law, an inmate will be awarded a six-month reduction in his sentence for every six months of full-time performance in a qualifying program.

The work/training program is a privilege, not a right. An inmate can lose work time credit by inappropriate behavior. However, a percentage of these lost work credits can be restored by subsequent good behavior.

Corrections is required to provide all eligible inmates an opportunity to participate in the program. It is felt that participation in this program will instill good work habits, teach some skills and improve reintegration into society.



Some inmates are eligible to transfer to a reentry facility a few months before they parole. They can work during the day but must sign in each evening.



The Board of Prison Terms sets parole dates for all life term inmates.

Lifers

The Board of Prison Terms (BPT), an independent agency that works with Corrections, is responsible for setting parole dates for inmates serving life sentences. The BPT determines if and when these inmates are suitable for reentry into society.

Life sentences are for crimes of murder, attempted murder, kidnapping for robbery or ransom, aggravated assault by a life prisoner, train wrecking, sabotage and exploding destructive devices causing mayhem. Inmates convicted of an offense that involved the infliction of great bodily injury (including habitual sex offenders) with two or more prior prison terms for specified offenses, also receive life sentences as habitual offenders.

All life sentences, except life without possibility of parole, have minimum eligible parole dates. The first parole consideration hearing for a life prisoner is held approximately one year before the inmate's first parole eligibility date.

For lifers, release to parole is not automatic. The BPT annually denies parole to about 93 percent of those who have hearings. No single factor indicates an inmate's suitability or unsuitability for parole. The BPT reviews all facts of the case at the hearing, then, using its discretion and experience, makes the determination whether to grant or deny parole.

What Happens On Parole?

Each parolee is supervised by a parole agent who follows the parolee's activities. To determine the appropriate level of supervision, the agent conducts a "needs and risks assessment" for each parolee. Predictive indicators such as latest commitment offense, criminal behavior patterns and undesirable associations are considered when assessing the possible risk to the community.

Based on the assessment, a parolee falls into one of four major categories:

- High control -- Has the potential for assaultive behavior or a history as a large scale drug dealer.
- High services -- Requires support to meet psychological, physical or employment needs.
- Control/Services -- Medium risk; requires moderate amounts of both control and services.
- Minimum -- Low risk with minimal support needs.

Parolees are provided services based on their identified needs.

The parole agent is expected to make sure that each parolee's identified needs are met. In attempting to assist the parolee to make a successful parole adjustment, the agent utilizes various community programs, employment referrals and emergency food and shelter.

Most parole unit offices have a services specialist responsible for obtaining services for parolees. Paroles provides direct, cash assistance for indigent parolees and operates two psychiatric outpatient clinics for treatment of parolees with serious mental problems. Service agents and individual parole agents often work with other agencies to obtain services for parolees in need.

Parolees must check in with their parole agent regularly.

Specialized Supervision

Parolees may be transferred to a Substance Abuse Revocation Diversion (SARD) unit for more intensive supervision if their performance under regular parole supervision deteriorates as a result of the use of alcohol or drugs. The assigned SARD parole agent may refer the parolee to community resources to aid in their recovery or may employ various sanctions such as house arrest and electronic surveillance.

The Parole and Community Services Division is conducting pilot "house arrest" projects in the San Gabriel Valley, Ontario and Indio units. Low risk substance abusing parolees who are having a difficult time adjusting to parole are assigned to this intermediate sanction. These techniques are employed in order to bring the parolee under control before he or she declines to the point that a return to custody would be required.

Many participants wear radio frequency transmitters which are used to monitor the parolees' adherence to the house arrest requirements. Others are monitored by means of voice verification units.

Where Is The Parolee Placed?

Current law requires that parolees shall be returned to the county from which they were committed. CDC may release a parolee in a county other than the county of commitment if the placement would be in the best interests of the public and of the parolee. Placement to another county may be based upon the following factors:

- The need to protect the life or safety of a victim, a witness or any other person.
- The verified existence of a unique work offer, educational or vocational training program.
- The last legal residence of the inmate.
- The existence of family with whom the inmate has maintained strong ties and whose support would increase the chance of a successful parole.
- The lack of necessary outpatient mental health treatment programs.
- Public concern that would reduce the chance that the inmate's parole would be successfully completed.

Local sheriffs/chiefs of police and district attorneys are notified regarding persons paroled within their jurisdiction. Each month detailed information on parolees and reentry inmates is provided to over 200 California law enforcement agencies. About 80 percent of all parolees are returned to the county of commitment.

Can Parole Be Revoked?

If a parolee violates the law or the conditions of parole, the agent in most cases will place the parolee in custody. The Board of Prison Terms (BPT) then conducts a revocation hearing to determine if, in fact, a parole violation has occurred. If good cause is found, the BPT examines the facts of the case, the type of offense and the parolee's adjustment on parole and determines the parolee must return to prison. Violators may be returned to custody for up to 12 months. The BPT returns more than 90 percent of parole violators to prison.

If a parolee engages in misconduct while in custody, the revocation may be extended for up to 12 months.



Parole agents often consult with each other in deciding the best course of action concerning a parolee.

Reentry Programs

As a result of the dramatic increase in prison population, the use of community programs is expanding. Community reentry programs provide the opportunity for transition from close confinement to less restrictive living for selected inmates within 180 days of parole.

There are five types of reentry programs: 1) Work Furlough; 2) Community Prisoner-Mother; 3) Return-to-Custody; 4) Substance Abuse Treatment; and 5) Restitution.

Work Furlough

Work furlough centers are operated by the Department of Corrections, private profit and nonprofit organizations and by county sheriff's departments. This program provides housing, food and supervision to selected male and female inmates 90-120 days before their release. Inmates leave the facility during the day to work at a variety of jobs.

Prisoner Mother

Community prisoner mother programs reunite mothers with their children in small, community-based facilities operated by private profit and nonprofit organizations. The program strives to alleviate the harm caused to children by the separation from their mothers during incarceration.

Also available to participants are drug and alcohol abuse counseling, parenting classes, vocational and educational training and the opportunity to reintegrate into society.

Return To Custody

Return-to-Custody (RTC) facilities are operated by private organizations and by city and county law enforcement agencies. RTCs offer carefully selected low-risk male and female parole violators the opportunity to remain closer to their families during

their parole revocation period. These facilities also reduce the impact of the high parole violator population on prison overcrowding.

All inmates must meet the RTC screening criteria to be eligible for this reentry program. Violent offenders and those with sex crimes are ineligible for the program.

Substance Abuse Treatment

The Department, in conjunction with the return-to-custody program, is developing a specialized program for substance abuse treatment centers. For violators with a drug and/or alcohol dependency problem, the program will provide intensive substance abuse counseling. It will consist of three 30-day phases: phase one will include intake, program orientation and treatment; phase two will focus on program participation and job development; phase three will be devoted to job placement and work furlough.

Restitution

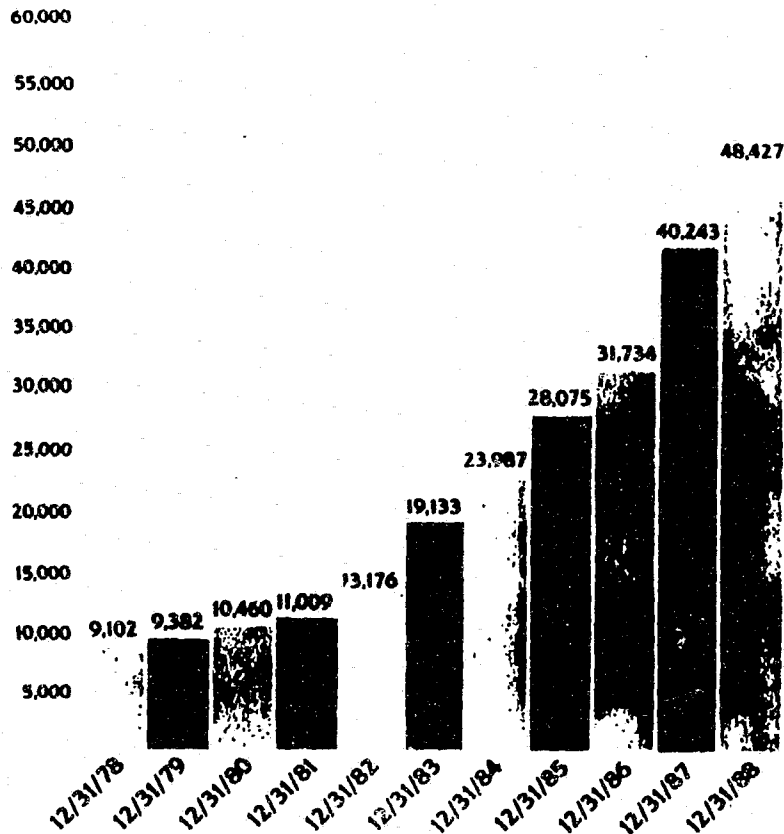
Community-based community restitution center is scheduled to open in early 1994. Its purpose is to provide a means for felons to repay their victim's financial losses. Restitution fees are ordered by the sentencing court or agreed upon by the defendant and victims.

The offender will be incarcerated at a community-based facility. He or she will be allowed to leave the center during specific hours for work only. At all other times, he or she must remain at the center.

When the offender receives a paycheck, work expenses will be deducted. The balance of the check will be divided into thirds: one-third paid to the Department for operating expenses, one-third paid to the victim and the final third given to the inmate.

This facility also serves as an alternative to imprisonment and will help lessen prison overcrowding.

Felon Parole Population



Parole Offices

The California Department of Corrections is authorized over 1,100 parole agents. Located at 103 field offices throughout the state, these agents currently supervise more than 48,000 parolees. Parole caseloads average about 53 parolees per agent. Each parolee supervised costs about \$3,000 per year.

For more information concerning parole, please contact one of the following offices:

State Headquarters

Parole & Community Services Division
 Corporate Center
 1515 S Street, Room 212N
 Sacramento, CA 95815
 (916) 445-6200

Region I -- Covers the entire Central Valley from Bakersfield to the Oregon border.

1631 Alhambra Blvd.
 Sacramento, CA 95816
 (916) 739-2860

Region II -- Covers the San Francisco Bay Area, extending along the coast to the Oregon border.

Ferry Building, Room 2040
 San Francisco, CA 94111
 (415) 557-2861

Region III -- Covers Los Angeles and the San Fernando Valley.

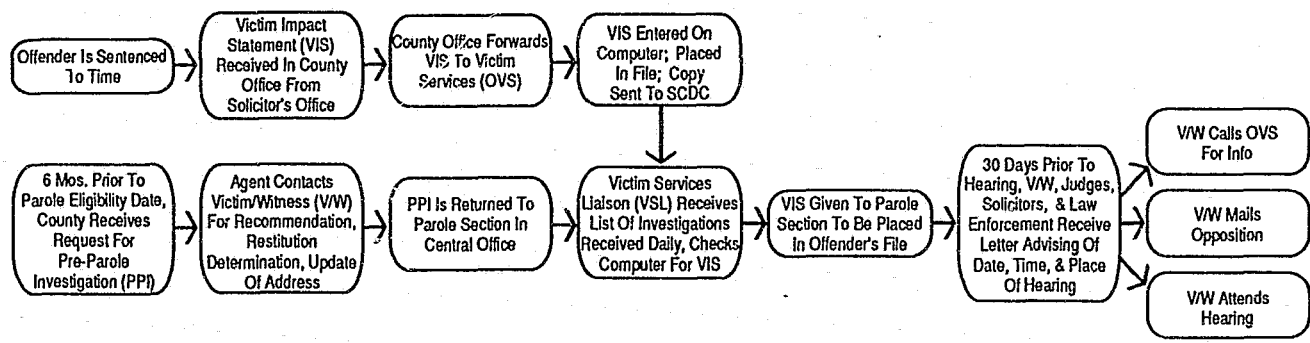
107 South Broadway, Room 3003
 Los Angeles, CA 90012
 (213) 620-2404

Region IV -- Covers San Diego area, extending north into Orange County.

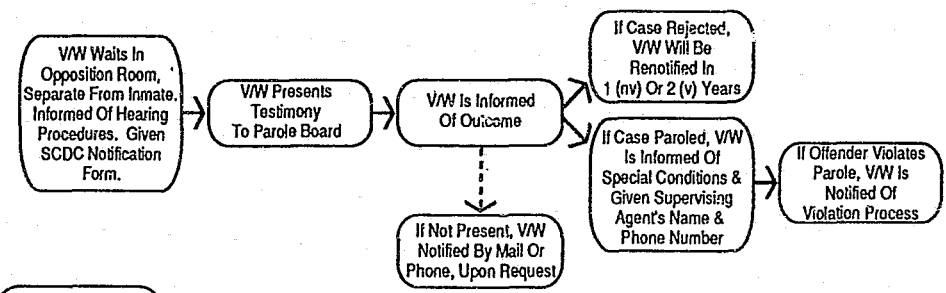
1840 East 17th Street, Room 240
 Santa Ana, CA 92701
 (714) 558-4131

Victim Services In Parole Schematic Operation

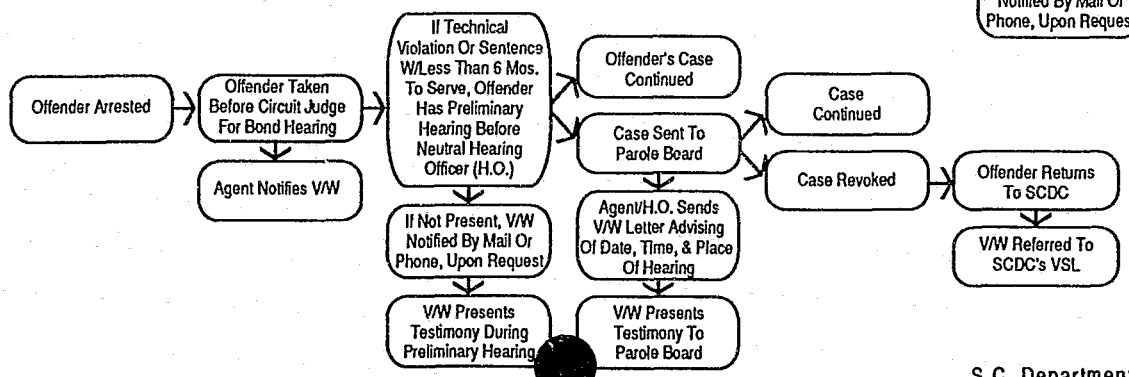
1. Victim/Witness Notification & Notification For Parole



2. Parole Hearing



3. Parole Violation



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**SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE &
PARDON SERVICES**

DIVISIONAL VISION STATEMENTS

OFFICE FOR VICTIMS SERVICES

Information and Involvement To Victims, Witnesses and the Public

1. Victims Services views victims, witnesses and those concerned with the community corrections process as part of the agency's constituency and is committed to proactively providing accurate information and advising them of their opportunity to attend all post sentencing hearings, as mandated. We are committed to allowing the above to express their concerns during all available forums. We are committed to making community resource referrals to all who request they are in need of this service.

We will know we are successful when:

- ** Appropriate staff identify, notify and involve the above population and ensure they receive notice in time to exercise their right to be part of such hearings;
- ** Appropriate staff develop resources and comprehensively distribute to educate the above population and provide to all who request community resource referral information that assists those who are affected negatively by crime; and
- ** Appropriate staff collect and evaluate data that objectively describes Agency victims services to be used to improve or create new programmatic strategies.

Internal Staff Training

2. Victims Services is committed to sensitizing all staff regarding the effects of victimization and training staff regarding the prescribed duties to carried out as legislatively mandated and policy directed.

We will know we are successful when:

- ** Agency staff recognizes and reports that victims, witnesses and the public make up an important part of their constituency and staff become responsive to victims, witnesses and the public treating them with dignity and respect in efforts to lessen the overall plight of victims;

Divisional Vision Statements

Page two

- ** Training assists staff in becoming more diligent in their community corrections efforts to assist all those affected negatively by crime; and
- ** Victims services staff continually evaluate and incorporate changes in policy and directive mandates and provide the necessary training to agency staff to assist them in their efforts.

External Training and Interagency Collaboration

3. Victims Services is committed to training all victim service providers regarding agency efforts in victim services and assisting in developing and maintaining interagency collaborative networks believing that these efforts will reduce role confusion, enhance agency relationships, provide needed training, and increase the information sharing process.

We will know we are successful when:

- ** Victims services staff become an integral part of victim service provider's training curriculum and become part of all local and state victim service conferences and training forums;
- ** Victims services staff are appointed to victim service provider governing boards and participate in committees that serve to improve victim services at all levels of the criminal justice; and
- ** Victim service providers have general knowledge of community corrections and specific knowledge of victim services in community corrections.

State of South Carolina

Department of Probation, Parole, and Pardon Services

HON. RAYMOND J. ROSSI
Chairman
Member-At-Large

HON. J.P. HODGES
Vice Chairman
District Six

HON. WILLIE E. GIVENS, JR., D.D.
Secretary
District One

2221 DEVINE STREET, SUITE 600
POST OFFICE BOX 50666
COLUMBIA, SOUTH CAROLINA 29250
(803) 734-9220

MICHAEL J. CAVANAUGH
Commissioner

HON. J. RHETT JACKSON
Chairman, 1987 - 1988
District Two

HON. DR. JERRY M. NEAL
Chairman, 1989 - 1990
District Three

HON. MARION BEASLEY
Chairman, 1985 - 1986
District Four

HON. LEE R. CATHCART
District Five

Internship/Volunteer Positions Available (non-paid)

Position: Victim Services Office

Major Responsibility: Assist and supplement duties of existing Victim Services staff.

General Functions: Prepare initial Victim Notification packets. Assist in identifying and locating crime victims. Provide information and/or assistance to victims when necessary. Conduct research regarding victims services in and outside of the Fifth Judicial Circuit. Perform other miscellaneous duties as needed.

Preferred Qualifications: Persons interested in the development and operation of services for crime victims. High school education or equivalent.

Location/Hours: Charleston County Probation/Parole Office, 200 Coming St., Charleston, SC / 10 or more hours per week during regular business hours.

For additional information contact: Scott Norton, 734-9240 or Jacqueline Flynt, 724-6700.

The S.C. Department of Probation, Parole and Pardon Services is responsible for monitoring and meeting the needs of offenders under supervision in the community. The Victim Services Office is responsible for addressing the needs of the victims of these offenders.

DIVISION OF
OPERATIONS/FIELD SERVICES
(803) 734-9240

DIVISION OF
PAROLES AND PARDONS
(803) 734-9262

DIVISION OF
ADMINISTRATIVE SERVICES
(803) 734-9244

STATE OF SOUTH CAROLINA POSITION DESCRIPTION

THIS SECTION OF THE DESCRIPTION IS TO BE COMPLETED BY THE INCUMBENT

1. JOB PURPOSE:

Under general supervision of Probation/Parole Program Manager, plans, directs, and administers state-wide Victims Program for the South Carolina Department of Probation, Parole, and Pardon Services. Implements broad policies and procedures designed to promote public awareness of program objectives.

2. JOB TASKS:

	Percentage of Time
1. Functions as Coordinator of Victims Services by providing liaison service between crime victims and the South Carolina Department of Probation, Parole, and Pardon Services in accordance with the guidelines stipulated in the Victim's Bill of Rights.	15
2. Supervises staff in provision of direct services to victims. Provides support to staff directly responsible for contact with opposition victims at Parole Board hearings. Directs activities of staff with respect to victims' programming.	20
3. Develops and implements a comprehensive statewide Victims Assistance Project, utilizing extensive knowledge of related legislation, parole process and public relations to increase public awareness of program goals and strategies as it relates to assistance for victims of crime. Develops/implements related policies and procedures.	20
4. Develops brochures, videos, and other publications. Acts as agency spokesperson statewide and nationally concerning Victims Rights Project. Works with Public Information Director concerning victim issues as they relate to media coverage.	15
5. Develops special projects related to victims program. Compiles statistical data for annual report.	5
6. Networks with nationwide organizations such as NOVA, maintains effective working relationships to intensify efforts related to public awareness of victims rights.	10
7. Advises management concerning new program strategies and issues. Conducts workshops designed to educate agency staff and other public/private groups concerning sensitive issues related to victims, Victim Bill of Rights, program objectives/goals/successes.	10
8. Performs other related duties.	5

(PD:victims)

3. SUPERVISORY RESPONSIBILITIES:

CLASSIFICATION TITLES OF THREE HIGHEST LEVEL SUBORDINATES	NUMBER
(1) <u>Assistant Project Administrator</u>	<u>1</u>
(2) _____	_____
(3) _____	_____

TOTAL NUMBER OF EMPLOYEES SUPERVISED: 1

4. COMMENTS:

5. THIS SECTION OF THE DESCRIPTION WAS COMPLETED BY: _____

6. THE ABOVE DESCRIPTION IS AN ACCURATE AND COMPLETE DESCRIPTION OF MY JOB.

POSITION DESCRIPTION

THIS SECTION OF THE DESCRIPTION IS TO BE COMPLETED BY THE INCUMBENT

1. JOB PURPOSE:

Under general supervision of the Coordinator of Victim Services, assists in the administration of victims services for the South Carolina Department of Probation, Parole, and Pardon Services. Implements policies and procedures designed to provide direct services to victims and assists in development of enhanced efforts to provide information and services to crime victims.

2. JOB TASKS:

Percentage of Time

1. Responsible for one on one contact with victims at Parole Board hearings. Ensures that victims/witnesses who choose to appear in person are handled effectively and diplomatically. Ensures that victims/inmates are separated by sight from each other at Parole Hearings. 20
2. Responds to victims requests for information about agency policies and criminal justice process. Educates victims about resources available in the community which provide victims services. 20
3. Responsible for notification of victims in consideration of inmates for agency-operated early release programs. Coordinates victim opposition and provides follow-up to victims after final disposition by the Board. 20
4. Assists the Coordinator of Victim Services in providing liaison services between crime victims and the South Carolina Department of Probation, Parole, and Pardon Services. Directly provides information related to victims concerns/issues to Coordinator of Victim Services for inclusion in Departmental policies and procedures related to Field Operations and Parole process. 15
5. Assists in the promotion of agency efforts to make public aware of issues concerning victims through public speaking, development of publications and to educate victims regarding the criminal justice process, and coordination with community groups which provide victims services. 10
6. Assists in the coordination of Agency efforts such that the rights of victims/witnesses provided for under law are met. Works to develop cooperative efforts with other criminal justice agencies and officials. 10
7. Performs other related duties, as requested.

(PD:vs)

3. SUPERVISORY RESPONSIBILITIES:

CLASSIFICATION TITLES OF THREE HIGHEST LEVEL SUBORDINATES:	NUMBER
--	--------

- | | |
|-----------|-------|
| (1) _____ | _____ |
| (2) _____ | _____ |
| (3) _____ | _____ |

TOTAL NUMBER OF EMPLOYEES SUPERVISED: _____

4. COMMENTS:

5. THIS SECTION OF THE DESCRIPTION WAS COMPLETED BY:

6. THE ABOVE DESCRIPTION IS AN ACCURATE AND COMPLETE DESCRIPTION OF MY JOB.

(PLEASE PRINT)

E-37

(INCUMBENT'S SIGNATURE)

DATE

Appendix G
South Carolina Policies and Procedures for Public Information

S.C. DEPARTMENT OF PROBATION,
PAROLE, AND PARDON SERVICES

Page 1
01/01/90

DIRECTIVE # COM.3

TAB: COMMUNICATIONS (COM)

SUBJECT: PUBLIC RELATIONS AND PUBLIC INFORMATION

Policy

The Office of Public Information shall be the authorized point from which information about the Department, its policies, and its activities is released.

Procedures

I. Public Relations

A. Release of Information

1. When information is released by the Executive Director or Deputy Executive Director, the Office of Public Information shall be informed of the nature of the information released and to whom the release was made.
2. The Office of Public Information shall be informed by the Executive Director or Deputy Executive Director of the Department's official position regarding specific topics.
3. All printed news releases produced by the Office of Public Information shall be copied to the Executive Director and Deputy Executive Director when disseminated.

B. Interviews With Department Staff

1. Department staff shall not communicate with non-Department individuals or media representatives about the Department's business in a manner inconsistent with Departmental policies or without prior authorization from the Office of Public Information. The Office of Public Information shall inform the Executive Director or Deputy Executive Director in advance about news media interviews with staff. When interviewed, staff shall respond in an honest and forthright manner, and confine their responses to their area(s) of expertise. Personal opinions about Department policy, operations, activities, or incidents should not be offered. Questions which go beyond the precise job responsibilities or area(s) of expertise of staff shall be referred to the Office of Public Information.
2. If not authorized to speak on behalf of the Department, staff shall refer all inquiries to the Office of Public Information.
3. In the event of "on-the-spot" interviews in which staff make comments without prior authorization, staff interviewed shall immediately notify their superiors, up to the Office of Public Information, regarding the circumstances of the interview and the nature of comments made. The Office of Public Information shall then notify the Executive Director or Deputy Executive Director.

C. Internal Notification of Incidents

Staff shall notify the appropriate supervisor up to the respective Deputy Director as soon as possible when they become aware of any situation which may generate public and/or news media interest. Upon notification, the Deputy Director shall notify the Office of Public Information, which shall in turn seek direction from the Executive Director or Deputy Executive Director prior to taking action.

D. External Notification of Incidents

No information which may inhibit or endanger investigative efforts of law enforcement agencies, the activities of solicitors, or the activities of this Department, shall be released. In the event of serious injury or death, the names of the injured or dead shall not be released until the next of kin have been notified and proper authorization to make the release has been obtained.

E. Board Statements

No information shall be released as a statement of the Board of Probation, Parole, and Pardon Services unless the statement has been given to the Office of Public Information by the Executive Director, Deputy Executive Director, or Chairman of the Board for release, expressly delineating the information as a statement of the Board (see Board Policy and Procedure Manual, 705.14).

F. News Media Visits to Department Facilities, Board Hearings and Meetings, and Interviews with Offenders

Visits by news media representatives require prior appointments and clearance by the Executive Director or Deputy Executive Director, obtained through the Office of Public Information. The nature and extent of permissible news media activities shall be expressed by the Department prior to the visit, including whether or not audio or video recording or still photography shall be permitted. Audio recording of public hearings and meetings shall be permitted unless the recording is deemed disruptive to the proceedings. All video recording or still photography shall have the prior authorization of the Executive Director or Deputy Executive Director, obtained through the Office of Public Information. A report of all video recording or filming shall be prepared by the Office of Public Information and submitted to the Executive Director (Attachment A).

1. Offenders have the right not to be photographed, filmed, videotaped, audiotaped, or to be identified in any way, except while participating in a public hearing or meeting. News media representatives should obtain prior consent from both the Department and the offender, coordinated by the Office of Public Information. Should an offender under the Department's jurisdiction consent to any of the aforementioned activities, that offender should sign a Release Form (Attachment B). A photocopy of this release shall be given to the news media representative and the original shall be placed in the offender's file with the Department.
2. Videotaping or filming of Board of Probation, Parole, and Pardon Services hearings or meetings is left to the discretion of the Board on a case-by-case basis.
3. All requests for interviews with offenders under the jurisdiction of this Department shall be coordinated by the Office of Public Information. Requests for interviews with those in the Shock Probation and Restitution Center programs shall be coordinated by the Office of Public Information, which shall notify the Public Affairs Office of the Department of Corrections (SCDC) of the requests. All requests for interviews or information regarding the supervision of offenders on Supervised Furlough, EPA, Extended Work Release, or Youthful Offender Parole shall be coordinated by the Office of Public Information, which shall notify the SCDC Public Affairs Office of the requests. All requests or inquiries regarding release decisions involving Supervised Furlough, EPA, Extended Work Release, or Youthful Offender Parole shall be referred to the SCDC Public Affairs Office.

II. Promotional Efforts

A. Speaker's Bureau

Department staff are encouraged to promote a positive image of the Department through the acceptance of speaking engagements within their communities.

1. The Office of Public Information shall coordinate the efforts of the Speaker's Bureau, to include training, publicity, and the creation of materials to be used by staff in making public appearances. Such materials shall be disseminated by the Office of Public Information upon request, with said request to reach the Office of Public Information at least 10 (ten) days prior to the scheduled speaking engagement for which they are to be used.
2. The Department's Area Directors shall coordinate the scheduling of speakers within their respective regions, with the assistance of the Office of Public Information. Speakers from the Central Office shall be scheduled by the Office of Public Information. Regional Office staff scheduling speaking engagements shall complete the top portion of the Speaker's Bureau Report form (Attachment C) and forward it to the scheduled speaker. The speaker shall confirm the engagement in writing with the contact person of the group to be addressed.
3. After the speaking engagement, the speaker shall complete the bottom portion of the Report form and forward to the respective Regional Office. Central Office staff shall

forward completed forms to the Office of Public Information. Monthly, Area Directors shall forward all completed forms received to the Office of Public Information.

4. Should members of the Speaker's Bureau be contacted directly by groups desiring a speaker, these staff may schedule themselves. Following the scheduled engagement, speakers shall submit a completed Report form to the appropriate recipient as designated above.
5. The existence of the Speaker's Bureau does not preclude Department staff who are not Bureau members from speaking to groups within their communities. However, such engagements should be cleared through the respective Agent In Charge and Area Director, or appropriate supervisory staff, who shall notify the Office of Public Information.

B. Additional Efforts

The Office of Public Information shall provide assistance to staff in planning and promoting activities designed to foster positive public relations within the community. However, all such activities and programs shall have prior authorization from the Executive Director or Deputy Executive Director, obtained through the respective Deputy Director.

III. Public Information

A. Information Regarding Offenders

1. Information and data obtained in the discharge of the official duties of the Department and its staff as set forth in §24-21-290, Code of Laws of South Carolina, 1976, as amended, is privileged and shall not be disclosed or released except as specifically authorized below, or as delineated in COM.4, "Disclosure of Confidential or Other Privileged Information."
2. The following information has been authorized by the Executive Director as releasable upon request on a specific case-by-case basis. When authorized to respond, Department staff shall document all information released; date of release; to whom the information was released, and a description of the information released.
 - a. Name of probationer, parolee or inmate; aliases (if known); sex; race
 - b. Probation sentencing order for probationers presently under Department supervision
 - c. Conditions of probation
 - d. Supervision start date; projected parole eligibility date; projected eligibility dates for early release programs; supervision expiration date
 - e. Disposition of parole or pardon hearings
 - f. Conditions of parole
 - g. Reasons for parole or pardon rejection
 - h. Vote of the Board
 - i. Copies of Parole Orders
 - j. Copies of Certificates of Parole and Certificates of Pardon, Supervised Furlough II and Emergency Powers Act Release Certificates
 - k. Copies of Parole Revocation Orders
 - l. Tape recorded or typewritten transcripts of Board hearings and meetings (not executive session), whichever is kept by the Department
3. The release of offender information not cited above shall be made only by the authorization of the Executive Director or Deputy Executive Director; as specifically delineated in COM.4; or by order of a Court.
4. Copies of releasable documents and tape recorded or typed hearing or meeting transcripts shall be provided upon request for a fee to cover costs of materials and staff time. The cost for photocopies shall be \$.50 per page. The cost for tape recorded transcripts shall be \$17.50 per cassette tape. The cost for typed hearing or meeting transcripts shall be \$10.00 plus \$.50 per page for photocopying. Payment must be made

by Cashier's Check or U.S. Postal Money Order only, payable to "S.C. Department of Probation, Parole, and Pardon Services." A signed and numbered receipt shall be issued by the Department's Finance Section in the amount of payment.

B. Information Regarding Department Policy, Internal Operations, Personnel Matters, or Incidents

All inquiries or requests for information regarding Department policy, internal operations, personnel matters, or incidents shall be referred to the Office of Public Information, unless staff are specifically authorized to respond by the Executive Director or Deputy Executive Director.

C. Information Regarding Department Programs

Inquiries or requests for information regarding Department programs (i.e.: probation, parole, urinalysis, house arrest, etc.), or statistics or data related to Department programs, shall be handled by the Office of Public Information. The Office of Public Information may authorize appropriate supervisory staff to respond to such inquiries or requests on a case-by-case basis.

S.C. DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES
REPORT OF VIDEOTAPING/FILMING

DATE: _____ LOCATION: _____

MEDIA ORGANIZATION: _____

MEDIA REPRESENTATIVE: _____

ADDRESS: _____

EVENT VIDEOTAPED/FILMED: _____

REASONS FOR COVERAGE: _____

DPPPS CONTACT PERSON ON LOCATION: _____

DPPPS STAFF INTERVIEWED (to include position/office): _____

OFFENDERS INTERVIEWED (to include SID/SCDC numbers): _____

COMMENTS: _____

Date _____

Signature, Public Information Director _____

(12:com.3.a)

SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES
RELEASE FORM

Date: _____

I, the undersigned, do hereby consent to be photographed and/or interviewed by
_____ of _____
for the exclusive purpose of _____

I understand that said photographs may include filming of any kind, and said interviews may include a recording thereof, and both may be used either in whole or part for the aforementioned purpose. I also waive any rights that I may have to inspect and/or approve the finished product prior to its use and/or publication in connection with the aforementioned purpose. I also release and give to any of the above persons or organizations all rights, title and interest in any completed work incorporating any of the above uses of my name, voice, image, writing, opinions, or any other form of communication created by or attributed to me.

The above persons or organizations may use these items as it/they see fit to include the transfer to assignees, who I also specifically herein release from any such liability.

Furthermore, I do hereby release, discharge and agree to save harmless the South Carolina Board and Department of Probation, Parole, and Pardon Services, its agents and employees, from any and all liability, financial and/or constitutional, or claims for damage for libel, slander, invasion of the right of privacy or other claim based on the use of said material and growing out of the use of my name, voice, writings, opinions or any other form of communication created by or attributed to me.

The above consent is given by me, freely and voluntarily, without any promises, threats, coercion or duress.

Subject's Signature and SID/SCDC Number _____ Date _____

Address _____

Media Representative _____

Staff Witness _____

Media Organization _____

Staff Position/Location _____

(Release must be signed by subject and witnessed by a staff member of the Department of Probation, Parole, and Pardon Services. One copy of same will be furnished to the media representative and one to the subject's permanent file.)

(12:com.3.b)

SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES
SPEAKERS' BUREAU REPORT

SPEAKER: _____ OFFICE: _____
 ORGANIZATION: _____
 ADDRESS: _____
 DATE: _____ TIME: _____
 CONTACT PERSON: _____ PHONE: _____
 MEETING LOCATION: _____
 ADDITIONAL COMMENTS/DIRECTIONS: _____
 APPROXIMATE ATTENDANCE: _____ PRESENTATION LENGTH: _____
 PRESENTATION TOPIC AREA(S): _____

RESOURCES USED:

VIDEO
 A/V (SLIDE)
 OVERHEADS

SPEECH OUTLINE
 QUIZ
 OTHER

MATERIAL DISTRIBUTED: BROCHURES [TITLE(S)-QUANTITY] _____

OTHER [TITLE(S)-QUANTITY] _____

AUDIENCE QUESTIONS/COMMENTS: _____

EVALUATION OF GROUP'S RESPONSIVENESS: _____

PRESENTER'S COMMENTS/OBSERVATIONS: _____

Did you receive enough assistance? Yes ___ No ___

PRESENTER'S SIGNATURE _____

DATE _____

Complete/return to Area Director or Office of Public Information as appropriate.



Office for Victims Services

South Carolina Department of
Probation, Parole, and Pardon Services

P.O. Box 50666, 2221 Devine Street, Columbia, SC 29250 (803)734-9367

South Carolina Department of Probation, Parole and Pardon Services
Office for Victims Services

It has been found that victims may experience less frustration with the criminal justice system if they are kept abreast of the status of their case and allowed to have some input in the process. The Department of Probation, Parole and Pardon Services (DPPPS) strives to keep victims informed of parole hearings and allow them to participate in the parole process.

As the victim, or as the next of kin if the victim has died, you have the right to attend parole consideration hearings which are conducted by the South Carolina Parole Board.

The following information may help you in deciding if you would like to appear personally or exercise other options that are available to you.

NOTIFICATION

If requested, you will be notified prior to a parole consideration hearing (thirty (30) days on violent cases, two (2) weeks on non-violent cases).

You may be contacted several months prior to the parole eligibility date when an inmate comes up for parole the first time. A pre-parole investigation will be conducted by a probation/parole agent in the county where the offense occurred. The agent will make every effort to contact you provided he/she has access to your address. When the investigation is completed and submitted to our central office in Columbia, your mailing address will be included so that you can be notified once an exact hearing date has been scheduled.

Also, if you submitted a victim impact statement through your solicitor's office, you will receive notification of parole hearings.

If you are not sure if we have your current address on file, you may call the Office for Victims Services (803-734-9367) or mail the information to:

S.C. Dept. of Probation, Parole, and Pardon Services
Attn: Victims Services Liaison
PO Box 50666
Columbia, SC 29250

LETTER OF NOTIFICATION

Once a hearing date has been scheduled, you will receive a letter advising of the date, time and place of hearing. (This letter is also sent to law enforcement officials, the solicitor and sentencing judge.) You will be informed that you have the right to attend the hearing if you wish or that you may submit your opposition in writing.

ATTACHMENT

Attached to the notification letter is an instruction sheet with rules/regulations about entering the Department of Corrections. (For example, you cannot wear blue jeans or white pants.) This attachment will advise you to contact the Office for Victims Services if you plan to attend the hearing. On the back of the instruction sheet is a map with directions to Broad River Correctional Institution where the hearings are held.

OPTIONS IF YOU CHOOSE NOT TO APPEAR

If you would like to express your opposition to the Parole Board but choose not to attend the hearing, there are two options available to you.

1) Telephone Call

You may call the Office for Victims Services (803-734-9367) and give an oral statement of concern. Your statement will be documented in writing and forwarded to the Parole Board for their consideration.

2) Written Statement

You may express your views in writing through letters and/or petitions and submit them to the Office for Victims Services at the address listed in the notification section. Your written statement will be forwarded to the Parole Board for their consideration.

ATTENDING THE HEARING

If you choose to attend the hearing to express your opposition, you must notify the Victims Services Liaison by letter or telephone at least one day prior to the hearing date. Please indicate the name and SCDC number of the inmate whose parole you are opposing, as well as the scheduled date of hearing. Also, you must state the names of persons who will accompany you at the hearing. (Please note that it is the policy of the Parole Board and the South Carolina Department of Corrections Authorities to recommend that only three (3) persons, plus an attorney, appear in behalf of or in opposition to an inmate being considered for parole.)

ENTERING BROAD RIVER CORRECTIONAL INSTITUTION (BRCI)

You should plan on arriving no later than 8:30 a.m. to ensure that you will be in the opposition room and ready to present your case by 9:00 a.m.

Upon arrival at the gate at BRCI, you will be asked by SCDC correctional officers to present an identification document which bears your picture and name (a valid driver's license is an excellent source of identification) and processed through a security check point area (metal detector). You will not be allowed to bring any type of medication into the institution. Also, you are not allowed to bring pocketbooks or purses although wallets are acceptable. (You may want to bring some change with you as there are snack/drink machines available.)

A correctional officer will escort you down a 200-foot walkway to a waiting area adjacent to the Board hearing room called the opposition room. At this point you will be greeted by DPPPS staff from the Office for Victims Services (OVS) who will remain in the area with you while you wait and be available for any questions.

To ensure that victims and inmates do not see each other, the inmates, along with their families, are kept in a separate room in a different part of the building.

The opposition room seats about twenty-five (25) people comfortably. Coffee and water are provided and there are snack/drink machines in the area. There are magazines available as well as a radio and television set. The TV is used to show educational programs concerning parole and victims services.

After OVS staff have obtained relevant information from you and you have been seated comfortably, the parole hearing process will be explained to you. All of the participants of the hearings are asked to be present by 9:00 a.m. and the Board tries to hear the cases with opposition present first. Once your case has been called, the Parole Board will first hear from the inmate and anyone who supports his being paroled. After they have presented their case they will leave the hearing room and then you will be escorted into the room by OVS staff. The Board members will be seated at a semi-circle shaped table. In front of them is a smaller table with three (3) chairs. You (or the spokesperson for your group) should occupy the middle chair. You will be asked to state your name for the record (parole hearings are considered public hearings and what you say is made part of the record) and state the reasons why you think the inmate should not be paroled. The Board Members may or may not ask you questions. After completing your testimony, you will be escorted back to the opposition room while the Parole Board deliberates and votes on the outcome. Within minutes, OVS staff will inform you of the Board's decision. (Occasionally the Board will tell you the outcome while you are in the hearing room.)

If parole is denied, you will be informed of when the inmate would be eligible for parole again. If the inmate is serving time for a violent crime, it would be two (2) years. On non-violent crimes, the inmate would be eligible in one (1) year.

If parole is granted, OVS staff will inform you of any special conditions that the Board may have imposed. You will be given the name and phone number of the Agent-in-Charge in the county office where the inmate will be supervised. The AIC will be able to advise you as to which agent will be responsible for supervising the inmate.

After you have been advised of the outcome of the parole hearing, you will exit the opposition room and follow the walkway back to the entrance to the institution where a correctional officer will sign you out.

QUESTIONS

If you have questions regarding any of the information above, please contact the Office for Victims Services at (803) 734-9367.

Appendix I-1 : SC Policy/Agency Directive for Victims Program

S.C. DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES	DIRECTIVE # <u>COM.5</u>	Page 1 01/01/90
TAB:	<u>COMMUNICATIONS (COM)</u>	
SUBJECT:	<u>Victim/Witness Bill of Rights</u>	

Policy

The Department shall provide victims/witnesses the opportunity to exercise their rights as specified by law. Agents-in-Charge shall implement procedures to allow for the notification of victims/witnesses of any post-sentence hearing affecting the probation or parole of an offender, and of the victim's right to attend such hearings. Agents-in-Charge shall insure that Victim Impact Statements (as available through the Solicitor) are obtained immediately following intake or sentence action.

Procedures

1. Victim Impact Statements (as available through the solicitors) are to be routed as follows:
 - A. Defendants Placed on Probation: Victim Impact Statement (Exhibit A) shall be placed in client's local file.
 - B. Defendants Sentenced to Incarceration who may eventually be placed under Supervision of Probation, Parole, and Pardon Services: Victim Impact Statements will be sought from the Solicitor's Office and retained in the county office. A copy of the statement shall be sent to the Victims Services Liaison in the Central Office. The Victims Services Liaison will forward the statement to SCDC for placement in the computer.
 - C. Probation Revocations: A copy of Victim Impact Statement shall be sent to the Victims Services Liaison in the Central Office. The Victims Services Liaison will forward the statement to SCDC for placement in the computer.
 - D. Pre-Parole Investigations: A copy of Victim Impact Statement shall be sent with Pre-Parole Investigation materials to Case Coordinator in Central Office Parole and Pardon Division.
2. Probation Revocation Hearings:
 - A. Unless there is a judicial determination to restrict attendance, a victim/witness who has filed a victim notification request should be notified in writing (Form #85A) and afforded an opportunity to appear at post sentence hearings affecting the offender's probation, and be notified of the disposition immediately following all proceedings.
 - B. If time did not allow for the above notification prior to the hearing, it shall be the agent's responsibility to notify the victim in writing (Form #85B) of the disposition immediately following the hearing.
3. Client Records:
 - A. All contacts or attempts to contact a victim by telephone shall be logged on the client's field sheet immediately following the phone call. Recorded information will include, but not be limited to, date, time, number called, person contacted and summary of the victim's interest in the case. The above information shall be presented to the presiding judge at all revocation hearings.
4. Parole Hearings:
 - A. All victims and witnesses of crime will be given thirty (30) day notice by the Parole Notification Section of Parole Board hearings and will be invited to attend an inmate's parole hearing. (Exhibit B) A victim's comments may also be presented in writing to the Parole Board.
 - B. Only victims and witnesses of the crime which resulted in the offender's incarceration will be notified of parole hearings. Any other person may appear at a parole hearing.
 - C. Each victim/witness will be allowed to bring a maximum of three (3) persons (excluding an attorney) to an inmate's parole hearing. Limitations or exceptions to this guideline will be considered on an individual basis.

- D. The Victims Services Liaison and/or Coordinator of Victims Services will attend weekly parole hearings to assist victims/witnesses on any parole or pardon matter. The Coordinator will act as back-up when the Victims Services Liaison is unavailable. Victims/witnesses in opposition will be separated from the inmate by sight and a specific, separate geographical area will be designated for them. Victims/witnesses in opposition will be escorted to the hearing room in a manner which will cause the least possibility of confrontation with the inmate. Victims/Witnesses who attend parole or pardon hearings will be treated with dignity and respect.
- E. Parole cases which involve victims will be heard on a priority basis and as early in the hearing process as practical. If the Board denies parole to an inmate before hearing from the victim/witness, the victim/witness will be so notified by the Board. If the victim/witness still desires to be heard or present documents on the matter, he/she shall be given a reasonable amount of time by the Chairman to do so.
- F. Victims/witnesses who request to be notified of the Board's decision regarding an inmate's parole will be notified as such by the Victims Services Liaison.

5. Parole Revocation Hearings:

- A. The hearing officer should notify victims/witnesses who have filed a victim/witness notification request of their right to attend a preliminary hearing, when the subject/inmate is charged with violating the conditions of his/her parole agreement.
- B. If there is probable cause to bring the subject/inmate before the Board for a parole revocation hearing, the victim/witness shall be notified of the date and time of scheduled hearing by the hearing officer, and will be notified of his/her right to be present.

6. EPA II Opposition Hearings

- A. All victims/witnesses who have filed a victim notification request with the SC Department of Probation, Parole, and Pardon Services will be notified upon any given inmate's consideration for release under EPA II regulations and will have the opportunity to express their support and/or opposition to the inmate's release.

The Victims Services Liaison will review a list of all EPA II candidates eligible for release who have victims and/or witnesses who have filed a victim notification request and will notify each victim/witness of his/her right to object to the release of the inmate. All letters of notification to victims/witnesses will be sent by certified mail, with a return receipt requested, and victims/witnesses will have fourteen (14) days from the date of their receipt of the letter to express their opinions about the inmate's release to the Victims Services Liaison. If no objection is received, the inmate will be considered for release as scheduled by the Parole Examiner's Section.

- B. If the victim/witness registers opposition to the release of the inmate within the fourteen (14) day time period, the Victims Services Liaison will immediately notify the Chief Hearing Officer by memorandum of the objection by the victim/witness and will attach any letters, supporting documents, etc. received from the victim/witness to the memorandum. A copy of the memorandum will be forwarded to the Deputy Director for Paroles and Pardons. The Victims Services Liaison will request that the Chief Hearing Officer conduct a hearing to receive victim/witness input and that the results of that hearing (including recommendations for or against release) be reported to the Victims Services Liaison.
- C. Subsequent to the informal hearing for victim/witness opposition, the Parole Board will make its findings after reviewing the transcript of the informal hearing and hearing victim opposition and will determine whether the inmate will be released. The Victims Services Liaison will be responsible for notifying the victims/witnesses who filed a notification request of the Board's findings within two (2) business days of the Board hearing and will also notify the Deputy Director for Parole Examinations of the same.

7. Disclosure of Information to Victims

- A. Only information which is considered public information may be released to a victim/witness or other person upon request. (Please see Directive #COM.3, page 3.) Additional information can be released only by permission of the Executive Director of the Department, or the Deputy Executive Director. For exemptions to disclosure, see Directive # COM.3, page 4, Item C.
- B. Information obtained by DPPPS staff from a victim regarding an offender's probation or parole shall be treated confidentially as a part of the agency's investigation process. Information presented by a victim/witness at the Board/Court hearing will be considered to be a part of the public record of the Board/Court's proceedings and can be disseminated to anyone as part of the public record of the Court/Board's action.

South Carolina Department of Probation, Parole, and Pardon Services

HON. DR. JERRY M. NEAL
CHAIRMAN
DISTRICT THREE

HON. LEE R. CATHCART
SECRETARY
DISTRICT FIVE

HON. WILLIE E. GIVENS, JR., D.D.
DISTRICT ONE

HON. RHETT JACKSON
DISTRICT TWO



MICHAEL J. CAVANAUGH
EXECUTIVE DIRECTOR

GRADY A. WALLACE
COMMISSIONER

HON. RAYMOND J. ROSS
VICE CHAIRMAN
MEMBER AT LARGE

HON. MARION BEASLEY
DISTRICT FOUR

HON. J. P. HODGES
DISTRICT SIX

ADDRESS: 2221 DEVINE STREET
P. O. BOX 50666
COLUMBIA SC 29250

Re:
Number of Prior Hearings:
Offense:
Sentence (years):
Date of Sentence:
County of Conviction:

Dear

The above individual will be considered for Parole on Wednesday, ____, 199_, during a Parole Board meeting which will begin at 9:00 a.m., at Broad River Correctional Institution, 4464 Broad River Road, Columbia, South Carolina.

Please be advised that in the event of a favorable parole decision, this individual may be released into the community under parole supervision on or about this same date. You are welcome to attend this hearing to personally make comments to the Parole Board relative to this matter, or you may submit written statements by mail if you prefer not to attend.

Current law requires this agency to notify you of this hearing, but you are under no legal obligation to respond in any manner and may totally disregard this notice if you so desire. However, if you elect to attend the hearing, please refer to the enclosed sheet of information relative to admittance to the South Carolina Department of Corrections' Institution.

Very truly yours,

(Mrs.) Judy A. Boland
Director of Case Scheduling

JAB:

Enclosures

South Carolina Department of Probation, Parole, and Pardon Services

HON. DR. JERRY M. NEAL
CHAIRMAN
DISTRICT THREE

HON. LEE R. CATHCART
SECRETARY
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HON. RAYMOND J. ROSSI
VICE CHAIRMAN
MEMBER AT LARGE

HON. MARION BEASLEY
DISTRICT FOUR

HON. J. P. HODGES
DISTRICT SIX

ADDRESS: 2221 DEVINE STREET
P. O. BOX 50666
COLUMBIA, SC 29250

RE:
SCDC#
Eligibility Date:
Offense:
Date of Sentence:

Dear _____ :

The above named inmate will be eligible for parole on the date indicated above. This office is presently conducting a pre-parole investigation which will be used by the Parole Board in making a decision to grant or deny parole. Your cooperation in providing relevant information in this matter as well as your recommendation for or against parole is greatly appreciated.

Once an exact hearing date has been scheduled, you will be notified prior to that date and given the opportunity to appear before the Parole Board or to submit a written statement for review.

Please complete the items below and return to the above address by _____.

_____ I would like for you to contact me in person _____ or by
phone _____. Phone number _____.
_____ Amount of financial loss due to this offense. (Please provide
documents that describe actual loss.)
Comments _____

_____ I am opposed to parole.
_____ I am neutral in regards to parole.
_____ I am in favor of parole.
Comments: _____

(Please use the back of this form if more room is needed.)

_____ I wish to appear before the Parole Board.
_____ I do not wish to appear before the Parole Board.

Sincerely,

Probation/Parole Agent

PROCEDURES FOR IMPLEMENTING VICTIM'S PROJECT

The following procedures will be performed when a parolee is arrested for a crime against another person and referred to the Board of Prison Terms:

1. During the process of the investigation, the Parole Agent will ascertain the name, address and phone number of the victim of the crime.
2. When the Parole Agent prepares the Violation Report Package, the Victim's Sheet will be filled out and placed in the file. (Optional) (See attached Victim's Sheet).
3. The Parole Agent will attempt to contact the victim and obtain a statement from the victim regarding the impact of the crime on the victim. This statement may be obtained in person or by phone.
4. The Agent will attach this statement to the Summary of Parole Adjustment portion of the Violation Report. It will be on a separate sheet and entitled "Victim's Impact Statement". Whenever the Victim's Impact Statement is included, the word "Attachment" will be added to the end of the Summary of Parole Adjustment, so that the reader of the report will know that the statement is included. However, if the Agent is unable to obtain a statement from a victim, the Agent will state "Agent was unable to obtain a Victim's Impact Statement, at the conclusion of the Summary Parole Adjustment.
5. Within ten (10) working days after the parolee has had a violation hearing or accepted an offer, the Parole Agent will send a Victim's Information Letter to the victim (see attached letter). A copy of the letter will be retained in the field file.
6. The Unit Supervisor will note on the jail list that the victim's letter has been sent.
7. If victims call the Unit for information, they will be referred to the Agent of Record or the Officer of the Day if the Agent of Record is unavailable. The victim's call will be responded to courteously and sensitively by the Parole and Community Services Division.

IMPORTANT INFORMATION RELATIVE TO
PAROLE HEARINGS AT THE BROAD RIVER ROAD CORRECTIONAL FACILITY

1. It is the policy of the Parole Board and the South Carolina Department of Corrections Authorities to recommend that only three (3) persons, plus an attorney, appear in behalf of or in opposition to an inmate being considered for parole.
2. Parole Hearings, by law, are open to the public and the entire proceedings become part of the public record.
3. At all times during the hearing process, inmates and victims/witnesses are physically separated. The Parole Board hears all parties who appear in support of or in opposition to an inmate's parole, but their testimony occurs at separate times during the hearing process.
4. Anyone appearing at a Parole Board Hearing enters Broad River Road Correctional Facility as a visitor and is subject to all rules and regulations as they pertain to visitors. All visitors must pass through several check-points, one of which will be a metal detector.
5. For security purposes, the following guidelines must apply to all visitors entering the Broad River Road Correctional Facility:
 - (a) Visitors wearing blue jeans or white pants will not be admitted;
 - (b) Visitors will not be allowed to bring pocketbooks or purses into the facility (wallets are acceptable);
 - (c) Visitors must present an identification document which bears the visitor's picture and name (a valid driver's license is an excellent source of identification);
 - (d) Visitors will not be allowed to bring any type of medication into the facility.
6. While entering the Broad River Road Correctional Facility to attend a Parole Board Hearing, there may be some congestion as visitors are processed. The South Carolina Department of Corrections Authorities will appreciate your cooperation and patience during this process, and their staff will attempt to facilitate the entry of all visitors as quickly as possible.
7. If you wish to oppose the parole of an inmate and plan to attend the Parole Hearing in person, it is essential that you contact, either in writing or by phone, the Victims Services Liaison at least one (1) day prior to the scheduled hearing date. Any questions you have regarding the hearing process can be directed to the Victims Services Liaison at that time.

Marian Lindsey
Victims Services Liaison
Department of Probation, Parole, and Pardon Services
P.O. Box 50666
Columbia, South Carolina 29250
Telephone: 803-734-9367

*For Directions to Parole Board, see back of page.
(86:VA/hear)

DEPARTMENT OF CORRECTIONS
PAROLE & COMMUNITY SERVICES DIVISION
31 W. MAC KAY DRIVE
SAN BERNARDINO, CA 92408
(714) 825-6712



PAROLE AGENT _____

Date: _____

Dear _____:

The California Department of Corrections, Parole & Community Services Division, is very concerned about the impact of crime upon victims. We believe that victims have a right to know what has happened to the persons who have committed crimes against them.

Parolee _____, CDC # _____, was found guilty of committing the crime of _____ against you. The Board of Prison Terms revoked his parole and he was assessed _____ months return to prison. He/she may be eligible to earn work incentive credits, which may affect his/her release date.

The District Attorney has/has not accepted this case for prosecution; there are/are no criminal charges pending on this matter.

We have enclosed for your information pamphlets explaining the parole and revocation processes, and your rights as victims. We hope you find it helpful.

If you have any questions, please feel free to contact me.

Sincerely,

Parole Agent I

Encl.

Correctional Agencies' Policy and Philosophy Statements
Relative to Victims of Crime

DEPARTMENT OF THE YOUTH AUTHORITY



MISSION

THE MISSION OF THE YOUTH AUTHORITY is to protect the public from criminal activity by providing education, training, and treatment services for youthful offenders committed by the courts, assisting local justice agencies with their efforts to control crime and delinquency, and encouraging the development of state and local programs to prevent crime and delinquency.



VALUES

In order to enhance our ability to accomplish our mission, we have a shared set of values. We value:

- ◆ **THE WORTH OF THE INDIVIDUAL**
We treat all people with dignity, respect and consideration.
- ◆ **PEOPLE'S ABILITY TO GROW AND CHANGE**
We believe people have the ability to grow and change and we provide the opportunity for them to do so.
- ◆ **STAFF AS OUR GREATEST RESOURCE**
We encourage staff to develop personally and professionally and to participate in decision making.
- ◆ **ETHICAL AND MORAL BEHAVIOR**
We demonstrate behavior which is fair, honest, and ethical both on and off the job.
- ◆ **CITIZEN PARTICIPATION**
We invite public involvement, support, and assistance to plan, deliver, and evaluate programs.
- ◆ **EXCELLENCE**
Our performance demonstrates a commitment to and recognition of quality, dedication, and innovation.
- ◆ **A SAFE & HEALTHY ENVIRONMENT**
We believe that physical and mental health are important and our commitment is to provide a safe and secure work and living environment.

These shared values are reflected in our actions and communicated to offenders and the public.

May 1992

POLICY STATEMENT ON VICTIMS



Corrections strongly supports the rights of crime victims, the development of victims services and the provision of opportunities for victims to actively participate in correctional processes.

Corrections practitioners subscribe to the principles that victims of crime have the right to be treated with respect and compassion, to be informed about and involved in the criminal justice process as it affects their lives, to be protected from harm and intimidation and to be provided necessary financial and support services that attempt to restore them to their positions before the crimes were committed. The corrections community shares with many other agencies the responsibility for providing services to victims of crime.

Corrections supports programs in which offenders provide restitution to victims and compensation and service to the community, not only because such programs give tangible help to victims, but also because they help to hold offenders accountable for their crimes. Some correctional entities operate victim assistance programs and all need to be receptive to program ideas for victim assistance and willing to develop as well as participate in such programs.

Correctional agencies must seek, as much as possible, to include victims in correctional processes such as parole hearings, release hearings, dispositional hearings and the like. In addition to helping victims deal with the effects of their victimization, such involvement may also help victims better understand, and have more realistic expectations for, corrections. Everyone stands to gain if crime victims and victims service providers outside corrections get basic information about how the system works and how decisions involving offenders are made.

Working in a correctional agency does not make staff immune to fear, trauma and damage resulting from on-the-job incidents. Correctional agencies have a responsibility to encourage staff to participate in programs and services designed to deal with victimization when they have been exposed to traumatic incidents, on or off the job.



Public Correctional Policy on Victims of Crime

Ratified on January 16, 1991, by the ACA Delegate Assembly

Victims of crime suffer financial, emotional, and/or physical trauma. The criminal justice system is dedicated to the principle of fair and equal justice for all people. Victims' rights should be pursued within the criminal justice system to ensure their needs are addressed.

Victims have the right to be treated with respect and compassion, to be informed about and involved in the criminal justice process as it affects their lives, to be protected from harm and intimidation, and to be provided necessary financial and support services that attempt to restore them to their former position before the crime was committed. Although many components of the criminal justice system share in the responsibility of providing services to victims of crime, the correctional community has an important role in this process and should:

- A. Support activities that advocate the rights of victims;
- B. Promote local, state, and federal legislation that emphasizes victim rights and the development of victim services;
- C. Support efforts by federal, state, and local units of government to increase the present level of funding and better utilize existing resources to support victim services and programs;
- D. Advocate the development of programs in which offenders provide restitution to victims, compensation and service to the community, and whenever possible, hold offenders financially responsible for their crimes;
- E. Promote active participation of victims in the criminal justice process, including the opportunity to be heard and to attend parole release hearings; additionally, provide separate waiting areas for victims and their families where offenders and victims may be present at the same hearing;
- F. Educate crime victims and victim service providers about correctional practices and involve correctional personnel in victim advocacy activities;
- G. Train criminal justice officials for both juvenile and adult offenders on victim program services, the impact of crime on victims, and to promote sensitivity to victims' rights;
- H. Operate those victims assistance programs that appropriately fall within the responsibility of the field of corrections. Correctional agencies should at a minimum (but not limited to):
 1. Designate personnel in each correctional agency to respond to questions and concerns of victims and to ensure that appropriate victim notification and assistance procedures are implemented;
 2. Develop and distribute materials describing the correctional system and specific victims' rights within that system;
- I. Support and facilitate the use of victim impact statements in sentencing, post-conviction review and programming processes;
- J. Recognize correctional staff who are assaulted or held hostage as crime victims and develop new approaches for responding to their victimization; and
- K. Promote the use of existing community resources and community volunteers to serve the needs of victims.



Public Correctional Policy on Victims of Crime

Ratified on January 16, 1991, by the ACA Delegate Assembly

Victims of crime suffer financial, emotional, and/or physical trauma. The criminal justice system is dedicated to the principle of fair and equal justice for all people. Victims' rights should be pursued within the criminal justice system to ensure their needs are addressed.

Victims have the right to be treated with respect and compassion, to be informed about and involved in the criminal justice process as it affects their lives, to be protected from harm and intimidation, and to be provided necessary financial and support services that attempt to restore them to their former position before the crime was committed.

Although many components of the criminal justice system share in the responsibility of providing services to victims of crime, ACA encourages all correctional professionals to:

SUPPORT activities that advocate the rights of victims:

- A. By promoting local, state and federal legislation that enhances victims rights and services; and
- B. By encouraging proper funding of victims services.

PROMOTE the active participation of victims in the entire scope of the criminal justice system, especially in areas of our responsibility (custody, parole suitability, and parole supervision).

RECOGNIZE the impact on correctional staff who are the victims of violence or the threat of violence and provide adequate and appropriate service to our own.

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VICTIM IMPACT STATEMENT

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VICTIM IMPACT STATEMENTS

Introduction

Due process in the United States has traditionally afforded convicted offenders the right to address the court at sentencing. Similarly, inmates who are eligible for parole have the opportunity to tell paroling authorities why they should be released on parole, noting their good behavior, efforts made toward rehabilitation, and other factors which point to their ability to reintegrate successfully into society.

Historically, the "victim's voice" was totally excluded from this process. While convicted offenders could tell courts and paroling authorities what led them to a life of crime, why their sentences should be lenient, and why they should be paroled, victims essentially had "the right to remain silent."

This process was changed in 1974, when James Rowland (then Chief Probation Officer in Fresno County, California and later Director of the California Department of Corrections) initiated "victim impact statements" as part of the pre-sentence investigation. Today, 36 states have laws which allow victims to give similar input at parole release hearings through a written victim impact statement, an oral statement (known as "allocation"), or both.

In 1988, victim impact statements received considerable attention when the U.S. Supreme Court ruled in *Booth v. Maryland* that such statements should not be allowed at sentencing in death penalty cases. This decision was upheld in 1989 in *South Carolina v. Gathers*.

However, on the final day of session in June of 1991, the High Court ruled in a 6-3 decision that juries can weigh a victim's character and the suffering of relatives in deciding whether to impose the death penalty. Crime victims and advocates hailed this decision in *Payne v. Tennessee* as a crucial step to insure that victims' rights and concerns are recognized by courts across our nation. Such recognition should also extend throughout the corrections process to decisions made by paroling authorities.

The Importance of Victim Impact Statements

Victim impact statements (VIS) are an important component of the parole process for several reasons:

- Since the convicted offender has the right to provide information to paroling authorities pertinent to his or her release, it is only fair that the innocent victims of such criminals be given the opportunity to express opinions relevant to why that offender should or should not be released on parole.
- The financial, emotional, physical and psychological effects crime has on victims -- both at the time of the offender's sentencing and prior to any hearing relevant to his or her release from incarceration or community supervision -- are important factors that should be considered in determining the status of that offender.
- The victim (or surviving family members of the victim in cases of homicide or drunk driving crimes) is in the best position to provide the paroling authority with information about how the crime directly affected him or her or family members.
- A VIS can help paroling authorities determine fair restitution orders in order to compensate victims for losses incurred as a result of the crime, such as medical expenses, costs of counseling, property replacement, etc.
- A VIS can help paroling authorities determine other appropriate conditions of parole, such as:
 - "No contact" orders to ensure the offender does not go near the victim, his or her home, or family;
 - participation in victim/offender programs (when appropriate), such as mediation, conciliation, and victim impact classes;
 - participation in treatment programs (such as sex offender treatment classes); and/or
 - any recommendations or factors that the victim feels would help guarantee his or her safety and "peace of mind."

Perhaps most important, VIS can be an important factor in a victim's ability to recover from the devastating aftermath of a crime. The use of VIS in conjunction with parole hearings validates the victim's role in the criminal justice system as more than merely "evidence" or a "complaining witness". VIS recognize the victim's feelings and concerns as an integral component of the decision making process related to the disposition of an inmate's status by correctional officials.

Current Status of Victim Impact Statements Laws

There are four methods by which victims and their representatives can submit VIS to paroling authorities:

- **Oral VIS**

Also known as "allocution", oral statements are delivered in person by the victim or designated lawful representative to the paroling authority. Thirty-one states permit victim allocution at parole hearings.

- **Written VIS**

Currently allowed in 36 states, written VIS provide detailed descriptions of the crime's effects on victims in writing. Victims who do not want to attend parole hearings in person can still have their opinions heard through the use of written VIS.

- **Audiotaped VIS**

Twenty-eight states currently allow the use of audiotaped VIS. This method permits "the voice of the victims" to be heard (literally) without any risk of face-to-face confrontation with the inmate or his or her colleagues.

- **Videotaped VIS**

Currently allowed in 24 states, videotaped VIS take advantage of modern technology to help ensure that the victim does not remain a "nameless, faceless" entity.

A sample statute for videotaped VIS is included in Appendix A.

In addition, the *Child Protection Act of 1990* passed by Congress allows child victims to deliver VIS to courts prior to sentencing in measures commensurate with their age and cognitive development. This statute -- which can be easily applied to parole hearings in all fifty states -- allows child victims to submit letters, drawings, or similar interpretations which depict the effects the crime had on them to help ascertain appropriate disposition of the convicted offender's case status.

In 34 states, if an offender was sentenced prior to the passage of that state's victim impact statement law, victims of that offender are still allowed to submit VIS.

In 28 states, the original VIS that was prepared for the sentencing hearing (as part of the criminal proceedings) is kept on file by corrections authorities, and reviewed as part of the parole process. Such policies serve to remind paroling authorities about the effects of the crime as a "comparative" measure of victim impact months or years later.

Twenty-two states invite victims to submit an updated impact statement which includes any evidence of communication from the offender or the offender's associates since sentencing. Updated VIS also offer paroling authorities pertinent information about the ongoing effects the crime has had on a victim, such as time lost from work, medical expenses, continued counseling, and other factors that should be considered prior to an inmate's release.

Preparation of Victim Impact Statements

Sometimes, crime victims prepare VIS themselves. In other cases, the statements are prepared by probation or parole officers during the pre-parole investigation, as indicated by the following chart:

<u>Who Might Prepare Vis</u>	<u># States</u>
Probation/Parole Officer During The Pre-Parole Investigation	7
Crime Victims For Themselves	19
Either At Decision Of Both Parties	6

Confidentiality Concerns

One of the first questions crime victims ask is whether or not the offender and his or her attorneys will have access to either their VIS or oral testimony. In the 1991 national survey of correctional agencies, parole representatives indicated the following policies were applicable to their agencies:

<u>Access To Vis Or Victim's Testimony</u>			
	<u>Yes</u>	<u>No</u>	<u>Not Sure</u>
Given Before The Hearing	6	33	2
Given During The Hearing	18	21	2
Given After The Hearing	14	25	2

In 15 states, offenders are allowed to respond to victims' testimony or impact statements.

Establishing a Comprehensive Agency Policy for Implementing Victim Impact Statements in Conjunction with Parole Hearings

A comprehensive agency policy for utilizing VIS requires coordination among four entities:

1. The victim or designated representative.
2. Paroling authority.
3. Prosecutor's office.
4. Victim service provider (if applicable).

Guidelines for an agency policy for implementing VIS should include, but not be limited to, the following considerations:

- Victim impact statements delivered at the time of sentencing should be included in the inmate's file.
- The inmate or his or her counsel shall not have access to the VIS (the VIS component of the inmate's record shall be kept in a separate file and shall be flagged "confidential").

- The prosecuting attorney or victim/witness advocate shall notify victims of their right to submit VIS prior to the inmate's release, and shall provide information relevant to notifying victims of parole hearings (including the name, address and telephone number of the correctional staff member designated to notify victims of changes in the inmate's status, including parole hearings).
- The correctional agency shall inform the victim of any policies pertinent to the implementation of VIS in their cases, including:
 - How to request to submit VIS to the agency should be provided to the victim, i.e. in writing, orally, or both.
 - Any requirements that the victim notify the agency of changes in address.
 - The amount of time prior to a parole hearing that a victim will be given to submit a VIS.
 - Types of VIS that are allowed, i.e. oral, written, audiotaped or videotaped.
 - Specific guidelines for delivering the VIS to the paroling authority.
 - Guidelines concerning confidentiality of VIS.
- The correctional agency shall provide the victim with the inmate's name (if the offender is an adult) and case file number (in both adult and juvenile cases) for easy reference.
- The correctional agency shall notify the victim in writing at least 90 days prior to parole hearings about his or her right to submit a VIS, and provide detailed information about what the VIS should include (please refer to "Contents of Victim Impact Statements" in the section for additional information).

- The correctional agency shall allow VIS in four formats, and notify victims of their options for submitting VIS:
 - In writing.
 - Orally before the paroling authority.
 - On an audiotape that will be played for the paroling authority.
 - On a videotape that will be played for the paroling authority.
- The correctional agency shall provide the victim with a list of persons who can assist him or her in completing a VIS, including but not limited to:
 - Victim service providers.
 - Corrections-based victim/witness advocate.
 - Parole agent (where applicable).
- The correctional agency shall establish procedures which guarantee the confidentiality of VIS, including but not limited to the following considerations:
 - The inmate and his or her counsel shall not have access to the VIS (or if the inmate does have access to the VIS, the victim's name and contact information shall be deleted from the VIS).
 - Written VIS included in an inmate's file prior to a parole hearing shall be labeled "confidential" and retained in a separate "companion file" to which the inmate has no access.
 - Precautions shall be taken to ensure that victims who choose to attend parole hearings shall not have face-to-face encounters with the inmate and his or her associates.
- The paroling authority shall review VIS submitted at sentencing (where applicable), any VIS submitted at a prior parole hearing, and the VIS submitted as part of the current parole hearing.

- All VIS (including those submitted prior to sentencing and those submitted at prior parole hearings) shall be retained in the offender's file, and reviewed as part of any future parole hearings.
- Victims whose crimes were committed prior to a state's VIS law shall still be allowed to submit VIS prior to parole hearings.
- The victim shall be notified of the paroling authority's decision relevant to the offender's status in writing within thirty days of that decision.

Notifying Victims of Their Rights Regarding Victim Impact Statements

As noted above, victims should be notified of the parole hearing relevant to their case in writing at least 90 days prior to that hearing. A sample letter notifying victims of the hearing and their right to submit a VIS is included in Appendix B.

In addition, correctional authorities should have standardized information about VIS developed in accordance with their state's laws and agency's policies. Such information should include, but not be limited to, the following information:

What is Involved in a Victim Impact Statement?

A VIS is a description of the effects of the crime -- the physical, financial, and emotional effects -- on you and your family. The VIS will be read or heard by (state) parole officials prior to making a decision on the release of an inmate.

In (state), crime victims are allowed to submit VIS (orally, in writing, or an an audiotape and/or videotape) to the paroling authority.

(If the offender or his/her counsel have access to the VIS, include the following information:)

The offender will also have an opportunity to read, see or hear your victim impact statement. However, your current address, telephone number, or other identifying information will not be included in any documents.

Who Can Make a Victim Impact Statement?

You can make a VIS if you or a family member has been a victim of crime, and the offender who committed the crime against you is being considered for parole (or any other applicable type of release). In some cases, some offenders complete their maximum term allowable under the law. When that happens, the (paroling authority) cannot extend their time in prison. However, as the victim of this offender, you can request by letter specific conditions of parole, such as:

- A "no contact order" which prevents the offender or his/her associates from contacting you;
- Restitution for financial losses you have incurred as a result of the crime; and
- Any treatment programs you believe might benefit the offender and reduce the risk of repeat offenses against other innocent victims.

Agency Guidelines for Victim Impact Statements

Many correctional agencies have standardized victim impact statement forms that are mailed to victims prior to parole hearings. However, some of these forms do not give victims the opportunity to fully explain the impact of the crime on their families and them.

Bob Wells, the Victim/Witness Coordinator for the Federal Law Enforcement Training Center in Glynco, Georgia and a noted authority on victim impact, offers the following guidelines to help agencies assist victims in determining impact:

- In the actual VIS, separate emotional impact from financial impact.
- If possible, limit the VIS form to one page. The front of the page should deal with emotional impact, with the back of the page addressing physical and financial impact.
- Always begin (not finish) with this important question: "How were you and your family affected by the crime?"

- Deal with behavioral issues -- such as the ability to relate to others and changes in feelings about yourself and others -- in the cover letter rather than in the VIS form itself. Consider this: What do you really get by asking a series of short questions with three lines for a response? What can anybody say in 25 words or less?
- Revise your form letters introducing the VIS. Provide clear definitions for terms like "restitution" and "compensation". Many victims don't know what these terms mean.
- Develop and utilize separate forms for violent and non-violent crime (please see Appendix C for sample form letters).

Additional information about utilizing VIS prepared by the Council for Court Excellence is included in Appendix D.

Utilizing the Original VIS

In some cases, crime victims who wish to submit VIS in conjunction with parole hearings had also submitted VIS at the time the offender was sentenced. While these "original" VIS should be included in the offender's file for review by the paroling authority, it is also helpful for victims to review the original VIS document.

The victim's situation may have dramatically improved since he or she submitted a VIS at sentencing. On the other hand, the victim may have incurred substantial costs and inconveniences (related to medical treatment, psychological counseling, time off from work, etc.) resulting from the crime that were not included in the original VIS. These factors are crucial components of any VIS submitted to paroling authorities.

In either case, it can be very beneficial to a victim to be able to compare his or her feelings about the impact the crime has had at the time of the parole hearing, in addition to how he or she felt immediately following the crime.

Contents of Victim Impact Statements

Every crime affects every victim differently. No one can tell victims what to say, because the impact a crime has upon a victim is unique in many aspects.

However, there are some common questions victims should consider as they prepare their VIS:

1. Did the crime cause you any loss of property or financial loss?

Consider:

Amount of property lost or damaged \$ _____

All medical expenses associated with the crime \$ _____

All counseling expenses resulting from dealing with the crime \$ _____

Income lost from time off from work due to the crime, meeting with law enforcement and CJS officials, attending court proceedings, filing insurance claims, getting property returned, etc. \$ _____

Cost of transportation to and from court or other proceedings in your case \$ _____

Cost of child care or assistance in the home \$ _____

Cost of prescriptions, physical therapy, or other special aids during the aftermath of a crime \$ _____

Costs related to monitoring the status of the convicted offender (such as telephone calls, letters, petition drives, and related time lost from work) \$ _____

2. Did you suffer any physical injuries?

Consider:

Direct physical injuries, such as broken bones, bruises, scrapes, mutilation, permanent scarring, permanent debilitating injuries, etc.

Physical suffering such as nausea, headaches, dizziness, appetite changes, changes in sex life, insomnia and/or other effects caused by the stress due to the crime.

3. Did you suffer any psychological or emotional changes as a direct result of the crime?

Consider the symptoms of stress listed below:

These are typical examples of how stress affects people, but you may have had other symptoms as well. In preparing your VIS, you may want to discuss these types of problems, rather than just list them. Some victims choose to describe stress problems that have not gone away, or that have gotten worse since the time of sentencing. Some like to talk about how such stress problems have gotten better. And others note how fear of the offender's possible release has increased such problems. All such information is useful.

Review the list below, and explain how specific psychological or emotional changes apply to you or your family:

Intense anger.

Fear.

Sorrow.

Lack of ability to concentrate on everyday activities.

Irritability.

Inability to sleep or stay asleep.

Thinking about the crime when you don't want to.

Nightmares.

Hyper-alertness.

Job performance suffering.

School performance suffering.

Inability to enjoy things that you used to before the crime.

Inability to control tears or emotions.

Inability to feel affectionate with families and friends.

Panic and anxiety attacks.

Increased use of alcohol or other drugs.

Increased use of caffeine or nicotine.

Loss or gain of weight.

Loss of interest in appearance.

Change in sexual relations (increase or decrease).

4. Have you noticed any changes in your family members or friends in the aftermath of the crime?

Consider:

Have they seemed as close to you as before?

Have there been increased disagreements?

Have any of them displayed any symptoms listed above in #3?

Have any of these problems gotten worse or better?

5. Do you have any specific concerns about the release of the offender?

Consider:

Has the offender (or his or her associates or family members) tried to contact you while he or she has been incarcerated? If so, please provide details (including how and when, and whether such contact was distressing).

Has the offender threatened you in the aftermath of the crime?

Are you worried that the offender will try to contact you or hurt you if he or she is released?

Are you worried that the offender will hurt others if he or she is released?

If restitution was ordered in your case, has it been paid in full? If not, should full payment of restitution be a condition of release?

Was the offender ordered as part of sentencing to complete any treatment programs (such as sex offender treatment, alcohol or drug treatment, etc.)? If yes, have such treatment programs been successfully completed?

Are there any specific programs you'd like to see the offender participate in if he or she is released (such as alcohol or drug treatment, sex offender treatment, "Impact of Crime on Victim" classes, victim/offender mediation, victim/offender conciliation or confrontation, etc.)?

Would you like the paroling authority to issue a "no contact" order as a condition of parole, so that if the offender or his or her associates contact you, it will be an automatic violation of parole?

6. How should I make my statement?

(NOTE: The information correctional officials provide to victims regarding how to submit a VIS should be developed and disseminated in accordance with state law and agency policy. However, the following four methods of submitting VIS can be easily utilized at limited expense to the correctional agency).

A. Written statements

If you write your statement, make sure the writing is legible and readable (a double-spaced, typed statement is best). If you use the enclosed form (see Appendix C), you may attach relevant materials or information to it. Itemize any direct costs and attach any receipts or evidence you have to substantiate your statement.

It's a good idea to have a friend or a victim advocate review your statement to make sure it is clear, understandable, and complete with all applicable information.

B. Audiotaped statements

Some people feel more comfortable talking about what happened to them than they do writing about it. If you decide to tape your statement, it helps to think through what you want to say before you begin the tape. Try to organize your thoughts. A written outline may help.

Introduce yourself and address the types of injuries and life changes that you have suffered (one at a time). Try not to jump from thought to thought. Ask someone you trust to listen to the tape so that he or she can tell you if it is clear.

C. Videotaped statements

Some people think that videotaped statements are more persuasive because they make the viewer visually aware of the fact that the victim is, indeed, a person. The content of the videotaped statement should be similar to written or audiotaped statements -- clear, concise and organized. You may wish to have family members or other people affected by the crime with you on camera when you deliver your statement. And in cases of homicide or drunk driving deaths, you may wish to include a photograph of the deceased victim to remind the paroling authority that a person who was loved has been lost.

D. Oral statements

Also known as "allocution", oral statements are presented in person before the paroling authority. In addition to the guidelines included for written, audiotaped and videotaped statements, please refer to the "Victim Input at Parole" section of this notebook for information about allocution at parole hearings.

CHAPTER 278

An act to amend Section 3043 of, and to add Sections 3043.1, 3043.2, and 3043.3 to, the Penal Code, relating to crimes.

[Approved by Governor July 16, 1990. Filed with
Secretary of State July 17, 1990.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2803, Hauser. Parole eligibility.

Existing law sets forth certain enumerated rights of victims of crimes, including the right of the victim or the victim's next of kin to be notified of, and appear at, any parole eligibility hearing. The Board of Prison Terms is required to consider the statements of victims and their next of kin in deciding whether to release the prisoner involved on parole.

This bill would extend the right to appear at the hearing to 2 members of the victim's immediate family, or more, within the discretion of the board in a specified order of preference. This bill would require the board to consider statements from members of the victim's immediate family in deciding whether to release the prisoner on parole.

This bill would also permit a victim, his or her next of kin, or any immediate family member to bring another person of their choosing to a parole suitability hearing for support who would not be permitted to participate nor comment.

This bill would permit the board to allow the victim, his or her next of kin, or immediate family member to submit a written, audiotaped, or videotaped statement at the parole eligibility hearing or setting under specified conditions, which would be considered in reaching a decision. The board is required to include in its report a statement regarding whether the prisoner would pose a threat to public safety if released on parole. The board is not responsible for providing equipment or resources to assist the victim in preparing a statement.

This bill would amend an initiative measure, and therefore would require a $\frac{2}{3}$ vote.

The people of the State of California do enact as follows:

SECTION 1. Section 3043 of the Penal Code is amended to read:
3043. Upon request, notice of any hearing to review or consider the parole suitability or the setting of a parole date for any prisoner in a state prison shall be sent by the Board of Prison Terms at least 30 days before the hearing to any victim of a crime committed by the prisoner, or to the next of kin of the victim if the victim has died. The requesting party shall keep the board apprised of his or her current

mailing address.

The victim, next of kin, or two members of the victim's immediate family have the right to appear, personally or by counsel, at the hearing and to adequately and reasonably express his or her views concerning the crime and the person responsible. The board, in deciding whether to release the person on parole, shall consider the statements of victims, next of kin, and immediate family members of the victim made pursuant to this section and shall include in its report a statement of whether the person would pose a threat to public safety if released on parole.

In those cases where there are more than two immediate family members of the victim who wish to attend any hearing covered in this section, the board may, in its discretion, allow attendance of additional immediate family members or limit attendance to the following order of preference: spouse, children, parents, siblings, grandchildren, and grandparents.

The provisions of this section shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

SEC. 2. Section 3043.1 is added to the Penal Code, to read:

3043.1. Notwithstanding any other provision of law, a victim, his or her next of kin, or any immediate family member of the victim who appears at any hearing to review or consider the parole suitability or the setting of a parole date for any prisoner pursuant to Section 3043 shall be entitled to the attendance of one person of his or her own choosing at the hearing for support. The person so chosen shall not participate in the hearing nor make comments while in attendance.

SEC. 3. Section 3043.2 is added to the Penal Code, to read:

3043.2. (a) In lieu of personal appearance at any hearing to review the parole suitability or the setting of a parole date, the Board of Prison Terms may permit the victim, his or her next of kin, or immediate family members to file with the board a written, audiotaped, or videotaped statement expressing his or her views concerning the crime and the person responsible. The board shall consider any statement filed prior to reaching a decision, and shall include in its report a statement of whether the person would pose a threat to public safety if released on parole.

(b) Whenever an audio or video statement is filed with the board, a written transcript of the tape shall also be provided by the person filing the statement.

(c) Nothing in this section shall be construed to prohibit the prosecutor from representing to the board the views of the victim, his or her immediate family members, or next of kin.

(d) In the event the board permits an audio or video statement to be filed, the board shall not be responsible for providing any

equipment or resources needed to assist the victim in preparing the statement.

SEC. 4. Section 3043.3 is added to the Penal Code, to read:

3043.3. As used in Sections 3043, 3043.1, and 3043.2, the term "immediate family" shall include the victim's spouse, parent, grandparent, brother, sister, and children or grandchildren who are related by blood, marriage, or adoption.

APPENDIX B

SAMPLE LETTER TO CRIME VICTIMS REGARDING VIS

Name
Address

Dear Mr./Ms. :

When you became a victim of crime, the chances are that it changed your life.

If this is true, no matter how long ago the crime occurred, you probably still remember the pain it caused you, your family and friends. I am very sorry you have gone through this pain.

(Name of inmate), (inmate's identification or case number), who was sentenced for committing the crime, has been incarcerated in (state's) prison system since (month and year). The law provides that (he or she) will be considered for release on parole this year. (His or her) parole hearing will be held on (day, date) at (location).

The law also provides that you have the right to submit a "victim impact statement" to (the paroling authority) about the financial, physical, or emotional injuries you or your family have suffered as a result of the crime. You may also include in your victim impact statement any recommendation(s) you have about whether parole should be granted and, if parole is granted, what special conditions you recommend for the offender's parole.

You may submit your statement (in person/ in writing/ on an audiotape/ on a videotape) to (the paroling authority). (NOTE: include here any relevant details, such as deadlines for submission and to whom the VIS should be submitted)

I have enclosed a victim impact statement form for your use. Please feel free to expand on the information noted in this form, and attach any additional materials you think might be useful to (the paroling authority).

I appreciate your attention to this important matter. Please don't hesitate to contact me at (area code/telephone number) if I can provide you with additional information or assist you in any way.

Thank you very much.

Sincerely,

**LETTER ACCOMPANYING WHITE COLLAR OR MISDEMEANOR VICTIM IMPACT STATEMENT
FOR FELONY CASES**

United States v. _____ Court Number _____

John Q. Victim
222 Any Street
Anytown, Anystate 11111

Dear Mr. Victim:

As a victim of crime, you have a number of rights that we would like you to know about. First is the opportunity to submit a victim impact statement. This statement is important to us in the Federal Justice System because it reflects what you as a victim of crime and members of your family are having to personally endure as a result of this crime. To assist you in preparing your statement, we have enclosed a Victim Impact Statement Form. Once returned to us, it will be forwarded to the United States Probation Department and will become part of the presentence investigation reviewed by the judge before the sentencing of the defendant.

We recognize that the Victim Impact Form, itself, is impersonal. However, when completed in your own words, reflecting your feelings, it will help to personalize for the court system the impact of this particular crime on your life and that of your family. Your statement will become a formal part of the court record and as such can be seen by the defendant and his or her attorney.

In preparing your statement, you may wish to think about issues such as:

- Has your ability to relate to other people changed since the crime? If so, how?
- Have your feelings about yourself changed since the crime?
- How has the crime affected your lifestyle and that of your family?
- Has the crime affected your ability to earn a living?

In addition, you may choose to be present to address the judge during the formal sentencing of the defendant. If you wish to do so, please call us as soon as possible so that we can arrange for your appearance before the court.

The judge will also be considering the matter of restitution in your case. Restitution is direct payment by the defendant to you as the victim, for your actual financial losses resulting from the crime. If you have lost property, had to repair property once recovered, suffered medical expenses not fully covered by insurance or experienced any additional financial expenses as a result of this crime, please complete the enclosed Victim Financial Statement and attach receipts for your losses, whenever possible.

Page 2

If you have any questions about the victim impact statement or if I can assist you to in completing it, please call me (or the Victim Witness Coordinator) at _____ . We have enclosed a self-addressed stamped envelope. Please complete and return your statement within the next 10 days.

As representatives of the Federal Justice System, we thank you for your continuing assistance and support.

Sincerely,

Enclosure

**VICTIM FINANCIAL STATEMENT
FOR FELONY CASES**

A. Damages

1. List property list, destroyed or damaged and its value.
(Wherever possible, attach receipts, repair bills, etc.)

_____ \$ _____
_____ \$ _____
_____ \$ _____

2. List medical expenses (again, attach supporting receipts)

_____ \$ _____
_____ \$ _____
_____ \$ _____

If physically injured, have you applied for crimes compensation? _____ Will you be experiencing long term medical treatment? _____

3. List lost income or wages..... \$ _____

4. List miscellaneous expenses (type and amount). Include such items as child care during court appearances, transportation costs during the investigation etc.

_____ \$ _____
_____ \$ _____
_____ \$ _____

5. List expenses for counseling or therapy\$ _____

Are you currently in therapy? _____

TOTAL LOSS..... \$ _____

B. Reimbursement received (please attach receipts)

1. Property insurance \$ _____

2. Medical insurance \$ _____

3. Crimes Compensation \$ _____

4. Other (list source and amount)

_____ \$ _____
_____ \$ _____

TOTAL REIMBURSEMENT... \$ _____

I declare under penalty of law that the above information is true and correct.

Date: _____ Signature: _____

LETTER ACCOMPANYING WHITE COLLAR OR MISDEMEANOR VICTIM IMPACT STATEMENT

United States v. _____ Court Number _____

John Q. Victim
222 Any Street
Anytown, Anystate 11111

Dear Mr. Victim:

As a victim of white collar crime, you have a number of rights that we would like you to know about. First is the opportunity to submit a victim impact statement. This statement is important to us in the Federal Justice System because it reflects what you as a victim of crime and members of your family are having to personally endure as a result of this crime. To assist you in preparing your statement, we have enclosed a Victim Impact Statement Form. Once returned to us, it will be forwarded to the United States Probation Department and will become part of the presentence investigation reviewed by the judge before the sentencing of the defendant.

We recognize that the Victim Impact Form, itself, is impersonal. However, when completed in your own words, reflecting your feelings, it will help to personalize for the court system the impact of this particular crime on your life and that of your family. Your statement will become a formal part of the court record and as such can be seen by the defendant and his or her attorney.

In preparing your statement, you may wish to think about issues such as:

- Has your ability to relate to other people changed since the crime?
- Have your feelings about yourself changed since the crime?
- How has the crime affected your lifestyle and that of your family?
- Has the crime affected your credit or credit rating?

In addition, you may choose to be present to address the judge during the formal sentencing of the defendant. If you wish to do so, please call us as soon as possible so that we can arrange for your appearance before the court.

The judge will also be considering the matter of restitution in your case. Restitution is direct payment by the defendant to you as the victim, for your actual financial losses resulting from the crime. If you have experienced financial expenses as a result of this crime, please complete the enclosed Victim Financial Statement and attach receipts for your losses, whenever possible.

If you have any questions about the victim impact statement or if I can help you to complete it, please call me (or the Victim Witness Coordinator) at _____. We have enclosed a self-addressed stamped envelope and encourage you to complete and return your statement within the next 10 days.

As representatives of the Federal Justice System, we thank you for your continuing assistance and support.

Sincerely,

Enclosure

VICTIM FINANCIAL STATEMENT FOR MISDEMEANOR OR WHITE COLLAR CRIME

Please list your financial losses from this crime. List only those items for which you have not been or do not expect to be repaid. Please attach receipts or other records wherever possible.

Was any income lost as a result of the crime?

Yes _____ No _____

If yes, state reason(s) for the loss of income and estimate the total dollar amount lost. Indicate how your loss was calculated.

Have you been assessed any additional taxes, penalties or interest by the Federal Government as a result of this case?

Yes _____ No _____

If yes, explain _____

If you have suffered any other expenses as a result of this crime, please list them below. Include such items as counseling, child care during court appearances, transportation costs during the investigation, etc. Please be specific and attach copies of receipts if possible.

I declare under penalty of law that the above information is true and correct.

DATE _____ SIGNATURE _____



Council for Court Excellence

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VICTIM IMPACT STATEMENTS:

WHAT THEY ARE AND HOW TO USE THEM

Proposed Final Draft
August 2, 1990



**VICTIM IMPACT STATEMENTS:
WHAT THEY ARE AND HOW TO USE THEM**

WHY DIDN'T ANYONE ASK ME?

Are you a victim of a violent crime? If you feel that you have important information about your court case that the judge should hear, you are not alone! Many victims feel that there are things the judge should know when sentencing the defendant that do not come out in the trial.

The District of Columbia recently passed an important law that allows victims of violent crime to submit a Victim Impact Statement (VIS) to the judge at the time of sentencing. This law gives you an opportunity to describe for the judge how the crime has affected your life and the lives of other family members.

MOST FREQUENTLY ASKED QUESTIONS

WHAT IS A VICTIM IMPACT STATEMENT?

A Victim Impact Statement (VIS) is a written description of your physical, psychological, emotional, and financial injuries that occurred as a direct result of the crime. A VIS is read by the judge who will be sentencing the defendant. The defendant must be found guilty or plea guilty for you to complete a VIS.

WHAT IS A "CRIME OF VIOLENCE?"

A "crime of violence" is any one of the following offenses or an attempt to commit any one of the following offenses: assault, robbery, rape, murder, manslaughter, maliciously disfiguring another, kidnapping, forcible sodomy, or sodomy of a child less than 16 years of age.

WHO IS A VICTIM OF AN ACT OF VIOLENCE?

Any person who is killed or physically injured in the District of Columbia:

1. As a result of a "crime of violence";
2. While lawfully helping in the arrest of a person suspected of committing or attempting to commit a crime of violence;
3. While helping a victim of a crime of violence; or
4. While trying to prevent a crime of violence.

The law does not consider you or your family a "victim of a crime of violence" if you were committing the crime. Thus, you are not eligible to complete a VIS if you committed or helped to commit the crime.



WHO'S INVOLVED?

If the defendant is found guilty of a crime of violence in the D.C. Superior Court:

1. The JUDGE decides whether a Victim Impact Statement (VIS) may be filed under the definition of the law.
2. If the judge orders a VIS, the UNITED STATES ATTORNEY'S OFFICE or the D.C. OFFICE OF THE CORPORATION COUNSEL sends your name and last known address to the D.C. Superior Court's Department of Social Services (Probation Division).
3. The PROBATION OFFICER sends a VIS to you.
4. YOU send the completed VIS back to the probation officer.
5. The PROBATION OFFICER attaches the VIS to the presentence report and sends it to the judge before the sentencing hearing.

WHO CAN FILE A VICTIM IMPACT STATEMENT?

You have the right to file a Victim Impact Statement (VIS) if you are a victim of any crime of violence. If the victim has died, a representative of the victim's immediate family can file the statement with the court.

CAN A VICTIM OF A NONVIOLENT CRIME REQUEST A VICTIM IMPACT STATEMENT?

If you are a victim of a nonviolent crime such as theft, you may write a letter to the sentencing judge requesting the right to file a Victim Impact Statement (VIS). You may also ask the prosecuting attorney handling your case to ask the judge whether you may submit a VIS.

WHERE CAN I GET A COPY OF A VICTIM IMPACT STATEMENT?

If the defendant is pleas guilty or is found guilty, the judge may order a Victim Impact Statement (VIS). The United States Attorney's Office or the D.C. Office of the Corporation Counsel will then give the D.C. Superior Court's Department of Social Services your name, telephone number, and address. The Department of Social Services will mail you a VIS with instructions.

You should complete the Victim Impact Statement (VIS) and return it to the D.C. Superior Court's Department of Social Services within 10 days. If the VIS is not returned within this time, the probation officer will call you to find out if you received the letter and if you plan to file a VIS. You will also receive the name and telephone number of a probation officer who you can call if you need help completing the VIS.



WHEN CAN A VICTIM IMPACT STATEMENT BE FILED?

You may complete a Victim Impact Statement (VIS) and return it to the D.C. Superior Court's Department of Social Services after the defendant is found guilty or pleas guilty.

WHAT IF I DO NOT RECEIVE A VICTIM IMPACT STATEMENT?

If the judge has ordered a Victim Impact Statement (VIS), but you have not received it, you should contact the prosecuting attorney who is handling your case. You should also call the D.C. Superior Court's Department of Social Services at (202) 879-1953 to verify that they have your correct address.

WHERE SHOULD THE COMPLETED VICTIM IMPACT STATEMENT BE SENT?

As soon as you complete the Victim Impact Statement (VIS), you should return it to the D.C. Superior Court's Department of Social Services. The probation officers will then attach the VIS to the presentence report that will be sent to the sentencing judge.

WHAT IS A PRESENTENCE REPORT?

A presentence report is a document prepared by probation officers about the defendant's background that helps the judge determine the proper sentence. It describes the defendant's prior criminal record, financial standing, and behavioral characteristics related to committing the crime.

At the time of sentencing, it is also important for the judge to be informed about the impact of the crime on you as the crime victim. By your completing a Victim Impact Statement and promptly returning it to the probation officer, the D.C. Superior Court's Department of Social Services can include it as part of the presentence report to be read by the sentencing judge.

WHO WILL READ THE VICTIM IMPACT STATEMENT?

First, a probation officer will review the Victim Impact Statement (VIS) for accuracy and clarity. The sentencing judge reads the VIS next. Then, the prosecutor and defense counsel receive copies of the VIS before the sentencing hearing. **YOUR ADDRESS AND TELEPHONE NUMBER WILL NOT APPEAR ON THESE STATEMENTS.**

The prosecutor and defense counsel are required to return their copies of the VIS to the court immediately after sentencing.



WHAT KINDS OF QUESTIONS APPEAR ON THE VICTIM IMPACT STATEMENT?

The Victim Impact Statement (VIS) asks questions about the physical, psychological, emotional, and financial effects of the crime on you. These open-ended questions are designed to allow you to explain in your own words how the crime has changed your everyday life. Information you believe might help the judge in sentencing the defendant is important.

Below are the questions you will see on the VIS. To help you complete the VIS, this brochure lists related issues you may want to consider when answering each question.

PHYSICAL IMPACT

1. Did you suffer any physical injury or disability as a result of this offense?

Related issues to consider:

- A. How were you physically injured? It helps to attach copies of hospital bills and doctors' bills.
- B. Describe any temporary or permanent injuries that were caused by the crime.
- C. Many victims experience physical symptoms associated with the victimization that are important to note, but are less directly related to the physical injury. For example, since the crime you may be experiencing chest pains, headaches, or stomach problems. These are legitimate physical symptoms and may be included when answering this question.

2. As a result of this offense, are you now, or have you been, under a doctor's care for complications? If so, please provide a statement from your doctor, if available.

Related issues to consider:

- A. What type(s) of medical treatment did you receive?
- B. Are you still receiving treatment from a doctor or hospital for injuries suffered as a result of the crime?



EMOTIONAL IMPACT

1. What was the emotional impact of the crime on you? Please feel free to discuss your feelings regarding what happened, how it has affected your life and what impact, if any, it has had on your relationships with family members, friends, co-workers, etc.

Related issues to consider:

- A. Have you or a member of your family been unable to eat or sleep as a result of the crime? Suffered from recurring nightmares? Developed a fear of going out?
- B. Has the crime caused a change in your daily routine?
- C. Have you changed jobs or moved as a result of the crime?
- D. Has the crime affected the way you relate to people at home, work, or in a social setting?
- E. Has your job performance suffered or have you lost your job as a result of the crime?
- F. If you go to school, has your school performance suffered? Have you dropped out of school?
- G. Has your ability to earn money been affected as a result of the crime? Include the number of days missed from work.
- H. Are you afraid the offender will threaten you or try to hurt you again?
- I. Has the crime affected your ability to enjoy life?

2. Was the emotional impact of the crime such that you are now, or have been, involved in counseling? Please explain and provide a statement from your therapist/counselor, if available.

Related issues to consider:

- A. How long have you been in counseling?
- B. What kinds of treatment or medication did you receive?
- C. Have any family members, other than yourself, sought counseling because of the crime?
- D. Please describe the length of time you estimate you will be participating in ongoing counseling as a result of being a crime victim?



FINANCIAL IMPACT

This section asks you to describe the specific injuries/damages you suffered because of the crime, and to indicate what money you expect to receive from insurance or other sources.

It is important to be accurate and, where possible, to provide proof of your expenses. For example, make copies of any bills you received, cancelled checks, insurance claims, and receipts. Be sure to show the estimated cost of future medical and counseling fees if appropriate.

Damages Suffered:

- A. Value of property lost or destroyed
(list items and how much each item costs)
- B. Hospital and medical expenses or Crime Victim's Compensation
- C. Lost income or wages
- D. Miscellaneous expense(s)
(list item and expense)

Reimbursement Received:

- A. Property Insurance
- B. Hospital/Medical Insurance
- C. Reimbursed Income or Wages
- D. Other (list source and amount)



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WHO WILL HELP ME?

If you have any questions about how to complete a Victim Impact Statement (VIS) or think you may be eligible to submit a VIS, please contact the following organizations for assistance:

Crime Victims Assistance Center
Department of Human Services
Randall School Building
First + I Streets, S.W.
Washington, D.C. 20024
(202) 842-8467

Department of Social Services
D.C. Superior Court
409 E Street, N.W.
Washington, D.C. 20001
(202) 879-1953

District of Columbia Rape Crisis Center
2201 P Street, N.W.
Washington, D.C. 20037
(202) 333-RAPE

National Organization for Victims Assistance (NOVA)
1757 Park Road, N.W.
Washington, D.C. 20010
(202) 232-6682 (office)
(202) 737-7667 (hotline)

Office of the Corporation Counsel
Criminal Division
451 Indiana Avenue, N.W.
Washington, D.C. 20004
(202) 727-4874

Victim/Witness Assistance Unit
United States Attorney's Office
Judiciary Center
555 Fourth Street, N.W., Suite 3633
Washington D.C. 20001
(202) 514-7130



GLOSSARY OF TERMS

ARREST - To take a person who has been charged with committing a crime into legal custody so that he/she can be charged and tried for committing the crime.

ASSAULT - A violent attack, either physical or verbal.

CHARGE - An accusation made against the accused that he/she committed the crime.

COURT - An agency of the judicial branch of the government with the constitutional authority to decide questions of law and disputes brought before it. In this brochure, court refers to the D.C. Superior Court.

CRIME OF VIOLENCE - In the District of Columbia, any one of the following offenses or an attempt to commit any one of the following offenses: assault, robbery, rape, murder, manslaughter, maliciously disfiguring another, kidnapping, forcible sodomy, or sodomy of a child less than 16 years of age.

CRIMINAL RECORD - A record of all of the past offenses for which a person has been charged.

DEFENDANT - A person charged with committing a crime who may or may not yet be on trial.

DEFENSE ATTORNEY - The lawyer for the defendant/accused.

DEPARTMENT OF SOCIAL SERVICES - A division of the D.C. Superior Court that sends the Victim Impact Statements (VIS) to victims. The victim returns the completed VIS to the probation officer who works in this office to be included with the presentence report for the sentencing judge.

DISFIGUREMENT - The loss of use of eye or limb or bodily function.

GUILTY - A decision of a judge or a jury in a criminal case that the accused committed the crime he/she was charged with.

JUDGE - In the District of Columbia, a person appointed by the President of the United States to preside over a court of law.

JURY - A group of citizens who hear the evidence presented in court and decide whether the accused is guilty or not guilty.

MANSLAUGHTER - The unlawful killing of another human being without express or implied intent to injure.

OFFICE OF THE CORPORATION COUNSEL - The D.C. government agency that is responsible for prosecuting most crimes committed by juveniles (persons under the age of 18 years).

PLEA - A defendant's formal answer in court denying or admitting that he/she committed a crime.



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PRESENTENCE REPORT - A report prepared by the Social Services Division of the D.C. Superior Court for use by the judge in criminal and juvenile cases before sentencing. This report may describe the past behavior, family circumstances, and personality of the accused. This report helps the judge to determine the appropriate sentence.

PROBATION OFFICER - An employee of the D.C. Superior Court who is responsible for collecting the Victim Impact Statement and attaching it to the presentence report.

PROSECUTING ATTORNEY/PROSECUTOR - In a criminal case, the lawyer representing the government and the victim. In D.C. the prosecutor is either an Assistant United States Attorney or an Assistant Corporation Counsel.

SENTENCE - In the District of Columbia, the accused's punishment set by a D.C. Superior Court judge after being convicted of a crime.

UNITED STATES ATTORNEY'S OFFICE - The federal agency that prosecutes most cases against adult suspects in the District of Columbia.

VERDICT - The decision of the judge or jury at the end of a trial that the accused is either guilty or not guilty of the crime.

VICTIM - An individual against whom a crime, or an attempted crime, was committed. Under the D.C. law, the family or close friend of an individual who was murdered is considered a victim and may complete a Victim Impact Statement.

VICTIM IMPACT STATEMENT - A form used by the judge at the time of sentencing that allows victims to describe the physical, emotional, and financial impact of the crime on their life and their families.

VICTIM OF A CRIME OF VIOLENCE - A person who is killed or physically injured as a result of a crime of violence.

§ 28.1287(771)

Title 28—Crimes

person is detained or under sentence shall be given immediate notice of the escape of the person accused, convicted, or imprisoned for committing a crime against the victim. The notice shall be given by any means reasonably calculated to give prompt actual notice.

Escape prior to execution of sentence or delivery of prisoner to facility; notice to prosecuting attorney and victim.] (2) If the escape occurs before the sentence is executed or before the defendant is delivered to the department of corrections, the chief law enforcement officer of the agency in charge of the person's detention shall give notice of the escape to the prosecuting attorney, who shall then give notice of the escape to a victim who requested notice.

Imprisonment; notice by administrator of facility.] (3) If the defendant is confined pursuant to a sentence, the notice shall be given by the chief administrator of the place in which the prisoner is confined. (MCL § 780.770.)

History. Added by Pub Acts 1985, No. 87, Imd eff July 10, which contained a section 2 providing: "This act shall not take effect unless House Bill No. 4370 of the 83rd Legislature [which became Act No. 89 of 1985] is enacted into law."

§ 28.1287(771) Parole; right of victim to address or submit statement for consideration by parole board.] Sec. 21. (1) A victim shall have the right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole.

Review of prisoner's release; notice to victim; right of victim to be represented by counsel.] (2) Not less than 30 days before a review of the prisoner's release, a victim who has requested notice under section 19(1)(f) shall be given written notice by the department of corrections informing the victim of the pending review and of victims' rights under this section. The victim, at his or her own expense, may be represented by counsel at the review.

Decision of parole board; notice to victim, manner and time.] (3) A victim shall receive notice of the decision of the board or panel and, if applicable, notice of the date of the prisoner's release on parole. Notice shall be mailed within a reasonable time after the board or panel reaches its decision but not later than 14 days after the board or panel has reached its decision. (MCL § 780.771.)

History. Added by Pub Acts 1985, No. 87, Imd eff July 10, which contained a section 2 providing: "This act shall not take effect unless House Bill No. 4370 of the 83rd Legislature [which became Act No. 89 of 1985] is enacted into law."

§ 28.1287(772) Final disposition of case; notice to victim.] Sec. 22. Upon the request of a victim, the prosecuting attorney shall, within 30 days of the final disposition of the case, notify the victim in writing of the final disposition of the case. (MCL § 780.772.)

SECTION G

GUIDELINES FOR SEPARATE WAITING AREAS

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GUIDELINES FOR SEPARATE WAITING AREAS

Introduction

For most incarcerated offenders, parole and/or release hearings are inevitable. This can be a terrifying event for victims. The person who has traumatically impacted their lives might now be released from confinement. The anger, fear and frustration may become overpowering. Practitioners must be aware and sensitive to those emotions victims face. The one person who has literally stolen a piece of their lives is now about to be released from confinement. There are physical, emotional and procedural precautions that correctional officials can take to ensure that they have done as much as possible to ameliorate a potentially traumatic situation.

Victim Appearance at Hearings

Appearing at an inmate's hearing is a significant event for victims, and the survivors of the victim. Whether it assists in the healing process or further traumatizes the victim depends upon the circumstances in and prior to the hearing. The following should be considered:

- Is there adequate notification prior to the hearing regarding the purpose, location and what role the victim might have? If a reschedule of the hearing is necessary, is the victim given reasonable advance notification?
- If the victim cannot speak for him or herself, may a representative appear, with full rights of the victim, to present the victim's statement?
- Are clear directions given on how to get there, where to park, what to wear, who and what to take (audio/video tape, witnesses, support people, etc.), and some estimate of how long the hearing may last?

- Are there provisions available to assist the victim in making a videotape if taped testimony is allowed at the hearing? If not available in your agency, is there a victim serving agency in the victim's community that can help? Is there information available to victims or victim service agencies for "how to and what to" present as testimony in the hearing (please see the "Victim Impact Statement" section of this notebook for detailed guidelines)? Is someone available from your agency, perhaps by telephone conferencing, to assist or advise as needed?
- Are provisions made for separation of the victim/victim's family from both sight and sound of the inmate, other inmates, the inmate's family or legal counsel while awaiting the hearing?
- Are victims' physical needs and comfort attended to? Is the waiting area clean? Are there adequate restroom facilities (that are accessible to persons with disabilities)? Is there coffee, tea or water available? If there is to be a long wait, due to imprecise times for hearings, is there food available? Is there an accommodation for children and child care available during the actual hearing?
- Is there a pay telephone available for visitors in the waiting area?
- Is there an assigned staff person available who is knowledgeable about victims needs, victim services, and the hearing process who can fully answer questions about the correctional process, institutional and parole programs, restitution, and victim compensation programs? Are there printed, audio and/or video materials that can explain these things? Is there a video of a simulated hearing available so victims will know what to expect?
- Are the receptionist or front desk personnel trained in the importance of how to greet the victim and his or her representatives or family, directing them to those who may help with questions?
- Are the hearing officers trained/informed about victim issues in order to sensitize them to individual needs?
- Do security staff understand the reason for the victim's appearance, and are they helpful or at least not an obstruction?

- If the victim makes the request, is there access to correctional administrators at the site of the hearing?
- In what way and by whom is the victim prepared to face the inmate (and his/her family) at the hearing?
- Are information and written materials available in languages other than English?

Victim Waiting Area at Hearings

The provision of adequate and appropriate waiting areas for victims attending inmate hearings is the responsibility of correctional administrators. Ensuring the physical and emotional comfort of victims at hearings is the responsibility of line and supervisory correctional workers.

- Is physical safety assured and is the security staff aware of the victim's presence at the hearing? Does the victim know to whom they should go if they are being harassed or intimidated? If they feel unsafe in the institution setting, is someone (perhaps uniformed staff) available to reassure and protect them?

Victim Protection

There are numerous ways to ensure the victim has reasonable protections, and most can be accomplished with little or no budgetary implications.

- The ideal situation would begin with the planning and construction of new correctional facilities by keeping the needs of victims in mind when designing hearing rooms, waiting areas, and inmate holding area space.
- Modifying existing space to maximize separation, i.e. entry and exit locations, using adjacent office areas, and/or constructing barrier walls in current waiting rooms.
- Developing policies and operational procedures for staff to fulfill departmental/agency requirements regarding victim services.

- Developing training and informational materials for correctional staff, hearing officers, victim service providers, and victims regarding departmental/agency policy and expectations.

Modifying Existing Structures

Prior to any modification, a carefully developed plan should be made that takes into account the realities of the site; security is essential for both the inmate and the victim. How, where, and when staff, victims and inmates access the hearing area (including the victim's departure from the hearing and the institution) must be carefully orchestrated. Planning is most effective when those who use the area have the opportunity to discuss its development. Include users (staff and victims) as well as professional builders. Victim participation in all policy and program development is critical.

- Cut new doors into hallways/rooms to provide separate access for victims.
- Build non-weight bearing walls with acoustical coverings to divide existing waiting areas.
- Cover windows allowing sight/view with reflective material or re-glaze with one-way glass (not to interfere with institution security).
- Add modular buildings or expand present area by adding a multi-purpose area which could be used by victims at the time of hearing.
- Identify nearby proximate offices that could temporarily be used exclusively for victims on hearing days.
- Do not label any door or wall as "victim in room" or "victim waiting area". Use a more general identification such as "hearing waiting area".

Develop Policy and Procedures

When writing policy and procedures, make a conscious effort to include those who will be affected by them, including staff and people from the community. Clarity and simplicity are essential to compliance, so make it easy for those responsible to comply with whatever is to become policy and procedures for victim services.

- Learn about the provisions in your state's *Victims' Bill of Rights*.
- Prepare and submit through proper channels a departmental/agency policy regarding victim issues which includes hearings.
- Prepare specific, generic procedures and then identify and train a mid-management staff person to assure compliance with the victim policy. Specific procedures may be individually modified by each work site where hearings are held.
- Recruit volunteers to assist on hearing days if staff are not available to assist victims and their families.
- Include victim issues in whatever mandated training is provided to correctional staff. Be certain clerical staff receive similar training, as they are usually the first contact a victim has with the facility.

Staffing and Sponsorship

In these days of tight budgets, the rationale for not ensuring the access and comfort of victims is often based upon the argument that there is no discretionary money with which to finance capital or cosmetic improvements to existing structures or to build new structures. The same discussion is heard when talk comes to staffing victim waiting areas. There are, however, creative solutions available to correctional agencies. The immediate task is to convene a planning group which can determine need, and then develop necessary resources.

- Include institution/parole management, victims, security staff, corporate sponsor representatives, community-based victim service staff, and other interested or related staff and volunteers.
- Enlist the volunteer services coordinator of the institution or, if there is none, contact the local Voluntary Action Center or Volunteer Bureau for interested people to serve on the committee.
- Hold an introductory meeting to teach people the concepts of victims' rights and services, involving key victims and volunteers. Encourage them to discuss what is needed -- through brainstorming and needs assessment techniques -- and then develop sub-committees to address the major categories.

- Activities might include finding corporate sponsors, recruiting volunteers for fundraising, program development, management and staffing of the waiting room itself, community education, etc.

Corporate sponsorship accomplishes a number of ends. It involves the business community in the local corrections agency. It can provide:

- Goods;
- Services (including expertise in various areas);
- "Helping hands" (volunteers working on release time or after work hours);
- Money (any amount helps!); and
- A means to get your story told.

It requires correctional administrators who understand the value of community partnerships and are not uncomfortable with "outsiders". Contact other kinds of governmental bodies, such as schools, which have corporate or organizational sponsors (such as fraternal and social groups, military personnel, civic organizations, retiree groups, and local industries), and ask for ideas.

Involving volunteers requires good planning. It's important to involve your volunteers in the planning process. Volunteers have enormous energy, time, interests and influence. They do not want to do "make work"; they want real responsibility and will not be as constrained in their thinking as those who have worked in corrections exclusively, and feel they know what works and what doesn't.

Volunteers are often an untapped resource that exists within a community. Once a need is identified, recruit a person with the skills and abilities for the job. A specific supervisor must assume responsibility for recruitment, training and supervision, just as for paid staff.

Volunteers may not be paid in real dollars, but they do earn respect and compensation in the form of involvement and credit for what they do. There are several resources for information regarding volunteer recruitment, training, supervision and retention. Contact your local Volunteer Bureau for assistance.

Ideal Opposition Room

If your state allows victim/witness attendance at parole hearings, ideally the waiting room (opposition room) should meet the following conditions.

First and foremost the room should be separate and secure from the inmates and their families. Victims/witnesses should be escorted to this room by a correctional officer or a member of the Victims Services staff. Entrance to this room should be convenient and non-time consuming. Victims/witnesses should be able to enter the room without going through any other part of the institution that would allow the inmates or the inmates' families to come in contact with the victim. Also for convenience, the opposition room should be located adjacent to the parole hearing room. There should be one way windows which would provide adequate lighting, but would not allow inmates to see into the room. The room should be equipped with comfortable furniture and should be able to seat an adequate number of victims.

Victims/witnesses should have access to restrooms which would not be used by the inmates and their families. The restroom, as well as the opposition room, should be equipped with handicapped features.

The opposition room should contain a water fountain, snacks/drink machine as well a change machine. Also, coffee should be provided and plenty of kleenex should be kept on hand.

To occupy victims/witnesses while they wait, newspapers and magazines should be provided as well as a radio and television set. Also, it is helpful to have a video cassette recorder to show videos concerning victims services or criminal justice related programs.

Brochures describing your program as well as other victims services providers should be placed throughout the room. A resource manual should be available for referrals. Also, there should be plenty of pens/pencils on hand for victims to complete any necessary forms.

In the event that the inmate is granted parole, the victim should be given a list containing the name and phone number of the Agent-In-Charge in the county where the offender will be supervised.

Also, a local map and telephone book should be on hand for the victim's convenience, as well as access to a telephone.

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RESTITUTION

Introduction

Forty-three adult and 36 juvenile correctional agencies, and 38 parole agencies have been authorized by courts in their states to order restitution for offenders sentenced to prison terms.

Respondents to a national survey of adult and juvenile correctional agencies and parole agencies conducted in 1991 were asked if their agencies have an operational system in place to facilitate the execution of restitution orders; if their agencies collect restitution payments; and if their agencies disburse restitution payments. Their replies are highlighted in the following chart:

	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Have Operational System	33	25	26
Collect Restitution Payments	27	17	13
Disburse Restitution Payments	16	13	8
Portion Of Restitution Disbursed			
To Crime Victims	18	16	10
Portion Of Restitution Disbursed			
To Victim Compensation Fund	12	6	4

A substantial number of agencies--18 adult, 16 juvenile and 10 parole--have automated their restitution recording and collections systems.

A handful of correctional agencies are granted authority to automatically deduct a percentage of offenders' earnings to meet their restitution obligations, as depicted in the following chart:

	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Authority By Law	9	4	2
Authority By Agency Policy	4	4	2
Authority By Law and By Policy	8	1	21
No Authority	10	14	0
Not Sure	2	2	1

In Iowa, the Department of Human Services is authorized to deduct all the earnings of juvenile offenders to fulfill their restitution obligations. The North Carolina Department of Corrections can deduct up to 95 percent of offenders' earnings. Most state correctional agencies limit the amount of money they will deduct from offenders' earnings for restitution--ranging from five percent at the Alaska Parole Board to 50 percent in several states' agencies.

Many correctional agencies (24 adult, 17 juvenile and 22 parole) take some action when offenders fail to comply with their restitution requirements, including but not limited to the following sanctions:

	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Revoke Good Time Credits	4	1	4
Revoke Offender Privileges	14	12	12
Recommend Against Parole Until Restitution Orders Fulfilled	8	9	14
Inform The Court Directly That Restitution Is Not Being Made	20	17	11
Suggest That Victim Inform Court That Restitution Is Not Being Made	10	4	9

Many agencies revoke parole when restitution obligations are not fulfilled. Other agencies invoke a variety of sanctions, such as: restricting inmate activities; counseling offenders on the importance of restitution to victims; automatically deducting a percentage of work earnings; and "sending a nasty letter to the offender to 'pay up'".

Some state correctional agencies take no action whatsoever to make offenders comply with restitution obligations. One state's juvenile corrections representative said enforcement "really doesn't apply because most of them are kids and they don't pay." Another adult corrections staff member stated candidly that "the money is just not there. It (enforcing restitution orders) would take more staff time and money than we would put back into the system". And yet another corrections official admitted "there is no system for enforcing restitution. It is a low priority for the caseworker."

Crime victims and advocates believe that when offenders fail to comply with their restitution obligations while incarcerated, a restitution order should be a condition of parole. However, few states' correctional agencies (21 adult, four juvenile and 17 parole) exercise this option as a policy.

Victims incur tremendous financial loss as a result of crime. The loss extends beyond financial into the social, psychological, and emotional aspects of the victim's life. Correctional and paroling agencies have a responsibility to learn about and reduce the impact of crime on victims. Programs can be designed to increase offender understanding of the consequences of criminal behavior. These services, in part, include restitution programs which can assist in making the system more responsive to the needs of the victim by holding the offenders financially accountable for their crimes. Through the establishment of effective restitution collection programs, offenders can learn the importance of accountability and victims are better served through a system that is generally perceived as "uncaring."

The following protocol can assist correctional and paroling agencies in establishing a restitution collection program. It is modeled after programs already in existence in the states of Washington, California, Minnesota, South Carolina, and the District of Columbia. The state of Washington's program has been in existence for approximately two years and has seen an increase in collection rates. Close coordination and partnership between the Department of Corrections and county clerks have been essential keys in making the program effective.

From a systems perspective, it is important that restitution ordering and collection be viewed as a priority, and resources be directed to support these objectives. It is paramount that victim input and participation contribute to the objective of establishing and collecting the financial losses incurred as a result of the crime. Restitution programming can be seriously hampered without first establishing the mind set that

restitution setting and collection is important and serves the victim and offender, teaching responsibility and accountability.

Priorities

Payment of restitution to the victim can help change the offender's attitude about other people and their property. Restitution also helps crime victims regain some of their losses incurred as a result of the crime.

One means of redirecting priorities relating to the overall issue of restitution is to establish legislation which mandates the court to set restitution at the time of sentencing.

- Victim input regarding restitution should be obtained and included in all pre-sentence reports.
- Actual losses should be itemized to assist the court in determining restitution.
- The sentencing court should establish the amount of restitution and a payment schedule at the time of sentencing.
- If the court does not set the amount and/or payment schedule, the agency responsible for monitoring/supervising the offender must be authorized to determine the amount and the payment schedule. This may require legislation and must be established in agency policy.
- Disbursement of restitution should be made a priority. It should be paid to the victim prior to any other payments of court-ordered monetary obligations.
- Victims shall be informed of the payment schedules that are established.

Restitution Orders As A Condition Of Release/Parole

- The court should set an order of restitution at the time of sentencing. This order remains in effect and enforceable during the offender's confinement.
- As a condition of release, the paroling agency will enforce the restitution order.

- The entity responsible for the supervision of the offender will monitor the collection of restitution.
- Although restitution orders become a condition of release, any violations for non-payment will be reported to the sentencing court or paroling authority, if appropriate, by the entity responsible for supervision of the offender.
- The court will impose appropriate sanctions for non-payment.
- Victim input shall be obtained as to appropriate sanctions.

Monitoring/Collection Of Restitution

If the sentence involves a period of probation/community supervision, the agency responsible for the supervision of the offender must have the authority to monitor and collect restitution payments. This may require legislation to establish such authority. Agency policy should be established outlining the guidelines for collection.

- If the sentence involves a commitment to prison, the paroling authority should enforce the order of restitution as a condition of release.
- The agency responsible for the supervision of the offender following release would monitor and enforce the restitution order.

Restitution Centers

Restitution Centers are community-based residential facilities which provide a strictly supervised living environment for offenders while they maintain gainful employment and pay victim restitution.

- At the time of sentencing, the court may place offenders subject to a sentence in the community in a Restitution Center for an established length of time.
- Offenders' salaries/earnings are collected by Center staff and distributed for victim restitution and other court-ordered legal financial obligations.
- Offenders' room and board are also deducted from the offenders' salaries/earnings for the duration of the court order in the Center.

Violation For Non-Payment

In monitoring payments toward the restitution obligation, sanctions must be established and imposed for non-payment. This not only establishes a means of accountability, but often will encourage that the payment schedules are followed.

In establishing agency policy regarding reporting violations for non-payment, some consideration should be taken into account when it has been appropriately demonstrated that a true hardship exists and this is the reason for non-payment. The agency having the

authority to collect payments should also have the authority to recommend adjustments to the established payment schedules.

When a willful violation for non-payment has occurred:

- The entity having jurisdiction for the monitoring/supervision of the offender reports the violation to the court/parole board in cases where the offender is on probation or under community supervision.
- In cases where restitution obligations have been made a condition of parole (discussed later), the willful violation is reported to the paroling agency.
- Once it has been determined that a violation has occurred using the standard of due process, the court or paroling agency would impose appropriate sanctions. This could include such sanctions as:
 - public/community service employment;
 - intensive supervision;
 - house arrest;
 - curfew;
 - electronic monitoring;
 - urinalysis;
 - wage assignment (see page H-9);
 - restitution center; and
 - revocation of supervision to include incarceration.
- Victim input shall be obtained prior to the violation hearing as to appropriate sanctions imposed.

Restitution Collection During Offender Confinement

In jurisdictions with an active inmate banking or account system, mandatory payment toward restitution obligations can be imposed. Legislative action may be required to enhance authority to impose a mandatory payment process.

Correctional agencies responsible for the care and custody of the offender would then establish, by policy, a process to automatically deduct restitution payments from the inmate banking account.

- A Mandatory Collection Account would be established for all inmates with restitution orders.
- While an inmate's prison account is accumulating, a mandatory deduction of a certain percentage (for example, 10 percent) or a set amount of money (for example, \$1.00) whichever is greater, would be deducted and placed into this separate account for the purpose of restitution payments.
- Out of this "restitution account," payments are made toward the restitution obligation.
- Once the inmate's account reaches a set amount (for example, \$250.00), the mandatory deduction into the restitution account would be increased (i.e., 20 percent).
- For any single deposit of \$1,000 or more into the inmate's prison account, the amount over \$1,000 may be taken, in its entirety, up to the amount owed in the restitution order.
- Inmates may voluntarily pay more than the mandatory deduction.
- The correctional agency then remits the money deposited into the "restitution account" to the jurisdiction responsible for disbursement of the restitution obligations.
- **SPECIAL NOTE:** The wording of the sentencing order becomes important as to whether or not collection of mandatory restitution payments can legally occur during the offender's confinement. If the order states that payments are to begin "upon release," this may prohibit the collection during confinement. Legal advice may be necessary to assist in this regard.

Incentives for Participation

Although a mandatory collection process would be imposed by the correctional agency, establishing incentives could encourage inmates' participation in the restitution process during their confinement.

- An active program which encourages involvement in a prison industry program not only teaches work ethics and trade skills to assist the offender following confinement, but also provides the opportunity for the inmate to earn a wage.
- As an inmate voluntarily participates in payments toward the restitution obligation, additional incentives could be given, such as:
 - increased privileges at the prison commissary;
 - special visitation privileges;
 - special menu privileges; and/or
 - priority enrollment into popular educational programs.
- Voluntary inmate involvement could be a component for the overall programming established for earned release incentives.
- Failure to participate in the program could result in the loss of privileges; however, it would not affect the mandatory collection program discussed above.
- Correctional policies and procedures which clearly outline the guidelines of the program should be established.

Duration of Collections

Many states have transformed their sentencing practices to establish a determinate or "fixed" sentencing process in one form or another. Often with this type of sentencing, the period of jurisdiction established for the supervision/monitoring of the offender is also fixed, and generally limited when considering the duration of restitution collection. The establishment of a fixed term following the offender's period of supervision for all offenders with outstanding restitution obligations can assist in accomplishing this goal. During this period of time, the offender would be under a monitoring status for payment

of legal and financial obligations. This has proven successful in Washington state in that there has been an increase in the collection rate of this financial obligation.

- Through legislative initiative, a set period of time following the period of active supervision is established (for example 10 years).
- This period of time would be imposed only if restitution obligations or other court ordered obligations are still owed following the period of supervision.
- The sentencing court maintains jurisdiction over the offender for this period of time.
- The entity responsible for supervising the offender would also have authority to monitor the offender during this period of time for collection of legal financial obligations.
- Legislative action is required to establish the authority necessary for the monitoring following the determinate period of supervision.
- Agency policy should be established enforcing legislation and setting the guidelines for conduct and performance during the collection period.
- During the period established for monitoring legal financial obligations, violations for willful non-payment would be submitted to the sentencing court. The court maintains jurisdiction for the imposition of appropriate sanctions.
- Victim input shall be sought regarding disposition prior to the violation hearing.

Mandatory Wage Assignment/Attachment Of Funds

A mandatory wage assignment/attachment of funds program is an effective way to ensure, and has been proved beneficial to, the collection of restitution obligations.

Wage Assignment

- Legislation should be passed requiring wage assignment by correctional or paroling agencies responsible for the monitoring of restitution obligations.

- This does not preclude the victim seeking mandatory wage assignments independent of any program established by the correctional or paroling agency.
- Agency policy should be established outlining the guidelines and conduct within the provisions established by law.
- When the offender is past due in monthly payments (for example: 30 days), a petition may be filed with the sentencing court for mandatory wage assignment. Recommendation for mandatory wage assignment would be initiated by the entity responsible for monitoring the offender's payments.
- In some jurisdictions, mandatory wage assignment orders are executed at the time of sentencing. This is preferred, as the wage assignment process then becomes an administrative process if the offender fails to make required payments.
- Upon receipt of the petition or motion seeking mandatory wage assignment, the sentencing court would issue a wage assignment order directing the employer to withhold a specified amount.
- The specific amount withheld would be equal to the amount in arrears, in addition to the monthly payment specified in the original judgment of sentence.
- Once a wage assignment order is entered, the amount would be ongoing until the full restitution obligation is paid.

Attachment of Deposited Funds

- The sentencing court may issue an attachment order directing a financial institution to freeze some or all of the funds or assets deposited, if the account holder has been charged with a felony.
- The freeze on the offender's account is to ensure eventual payment of restitution to victims.
- The freeze should be time-limited from the initial order (such as 24 months), unless it is extended by the court.

- If the offender is acquitted or the charges are dismissed, the court must issue an order releasing the freeze on the funds or assets.
- If the offender is convicted of the offense, the funds or assets may be used to pay complete restitution to the victim(s) of the offense.
- Subsequent orders amending the restitution order may be entered by the sentencing court if additional information is obtained after sentencing.

Automated Billing System

Establishing the restitution obligation as a monthly obligation similar to other debts incurred such as car payments, house payments, credit card obligations, etc., coupled with a monthly billing process, assists some offenders in budgeting this obligation and has proven effective in increasing payments. It is also important to establish an accounting system as a built-in component of the overall billing process.

- Legislation may be necessary requiring the entity responsible for disbursement of restitution payments to victims to establish a monthly billing process.
- If a clerk's office is responsible for disbursement, a monthly billing process would be established with the correctional or paroling agency responsible for monitoring payment.
- The agency would bill the offender on a monthly basis. Policies should be established which outline and direct the filing and accounting process.
- Agency staff responsible for the supervision of the offender require authorization to collect payments toward restitution obligations from the offender.
- Appropriate accounting mechanisms must be established to make sure offenders' payments are documented and receipted. These should be defined clearly in agency policy.
- Credit cards may be accepted as payment for legal financial obligations. Any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

- Care and caution should be taken to establish an internal audit process to provide safeguards and protect agencies accepting payments from offenders.

Restitution Orders And Civil Judgments

Once an order setting restitution has been clearly established by the court, it is important to recognize and support the victims' right to collection. Therefore, establishing restitution ordered civil judgments in another way in which victims are assisted through an often confusing system and supports their rights to reimbursement.

- States should establish legislation so that all restitution ordered as a result of a conviction, may also be enforced as a judgment in a civil action.
- Civil actions may be initiated by the victim at any time during the period of monitoring of the offender.
- Independent of the correctional agency, the victim shall have the authority to utilize any other remedies available to collect the restitution obligation.

Funding For The Program

An effective way to fund the overall cost of establishing a restitution collection program is through dedicated funding collected from supervision fees. This establishes a means for offenders under supervision to pay for the administrative costs associated with the overall program. Since much of the authority to establish and collect restitution is legislatively based, using supervision fees is also an excellent way of keeping public funding to a minimum.

- At the time of sentencing, the court assesses the offender a monthly supervision fee as a condition of supervision. This may vary in amount (for example: \$15.00 to \$50.00).
- Provisions should be built in to waive or defer payments of supervision fees when the offender meets certain criteria, such as student status, disability restrictions, proven indigent, etc.
- Supervision fees collected from the offender are paid into a dedicated account.

- This account is used to hire staff, purchase equipment, and to establish the billing system for the restitution collection program.

Please refer to Appendices A, B, C, and D for additional information on restitution in specific states.

Appendix A
South Carolina Program Summaries

PROGRAM SUMMARIES

INTENSIVE SUPERVISION

The Intensive Supervision Program was initiated in South Carolina under the 1981 Parole and Community Corrections Act. Intensive Supervision is a supervision sanction whose primary objectives are increased supervision and client accountability. These objectives are met through enhanced surveillance and control techniques, and other special conditions. Intensive Supervision provides the client with the proper balance of control and assistance. Intensive Supervision is for a period of six (6) months unless otherwise specified by the Court/Board.

Intensive Supervision Client Levels (1-31-91):

Probation	1862
Parole	414
Early Release	841

HOME DETENTION PROGRAM

Home Detention is a special condition within the Intensive Supervision Program. It is the condition by which the offender is confined to his/her residence at all times, with only those exceptions that the Court, Parole Board, Hearing Officer or Agent may authorize. The enhanced surveillance and control techniques used in the Home Detention Program to ensure increased supervision and client accountability include electronic monitoring, second shift surveillance teams and regular surveillance techniques. Home Detention is for a minimum duration of three (3) months to a maximum of six (6) months.

Home Detention Coverage Area: All 46 counties have the Home Detention Condition.

Electronic Monitoring Coverage Area: Richland, Greenville, Spartanburg and Charleston counties had passive and active electronic monitoring capability.

Second Shift Surveillance Coverage Area: There are presently seven (7) Surveillance Teams in the state covering a 15 county area. This area will be expanded to 20 counties at the end of March, 1991 when Region V's team expands their coverage area to include the entire region. Each team is made up of three second shift surveillance agents.

RESTITUTION CENTERS

Restitution Centers were established under the Omnibus Criminal Justice Improvements Act of 1986. Community Restitution Centers are community based residential facilities which provide a strictly supervised living environment for non violent offenders while they maintain gainful employment, pay victim restitution and perform free community service during off work hours. They also participate in various educational and rehabilitation programs. The court may place non violent offenders (male or female) subject to a sentence greater than 90 days, or offenders under SCDPPPS jurisdiction subject to revocation of probation, in Restitution Centers for up to six months. Client salaries are distributed by center staff for victim restitution, court-ordered child support, fines, \$6.50 daily room and board, other living expenses, and taxes. The offender remains in the center 3 -6 months; if the maximum prison sentence is less than one year, he/she remains 45 - 90 days.

Restitution Center Activities (Through 12-31-90): :

	Columbia	Spartanburg
Current population	28	41
Admission totals	429	140

Financial Activity (FY 90-91):

Total Net Wages Earned	\$105,389.35	\$135,886.35
Total Restitution Paid	35,197.48	29,780.84
Total Court Fines Paid	8,262.00	18,733.50
Total Child Support Paid	2,710.00	1,447.50

PUBLIC SERVICE EMPLOYMENT PROGRAM

The Public Service Employment Program was mandated by the Omnibus Criminal Justice Improvements Act of 1986 to provide a sentencing option for nonviolent offenders. The program places offenders in unpaid work positions with nonprofit organizations and tax supported agencies to perform a specified number of hours of work within a given time period as a condition of probation or parole.

PSEP Activity Levels:

Active Clients under PSEP	5,410
PSE Dollar Equivalent (Hours x \$3.80)	\$148,709
PSE Hours Perform FY 90-91	284,163
Saving to the Community FY 90-91	\$1,079,819
Saving to the Community Since Inception	\$8,235,235
Total Program Participants	22,731

DAY REPORTING CENTER

The Stayin' Straight program was designed as a collaboration between SCDPPPS, SCCADA, and Vocational Rehabilitation to provide services to male offender and their families with serious alcohol and drug problems. Stayin' Straight is an intensive day treatment program for high risk parolees and probationers. It is to provide drug treatment and education, day reporting, case management services, as well as to provide access to existing health and human services.

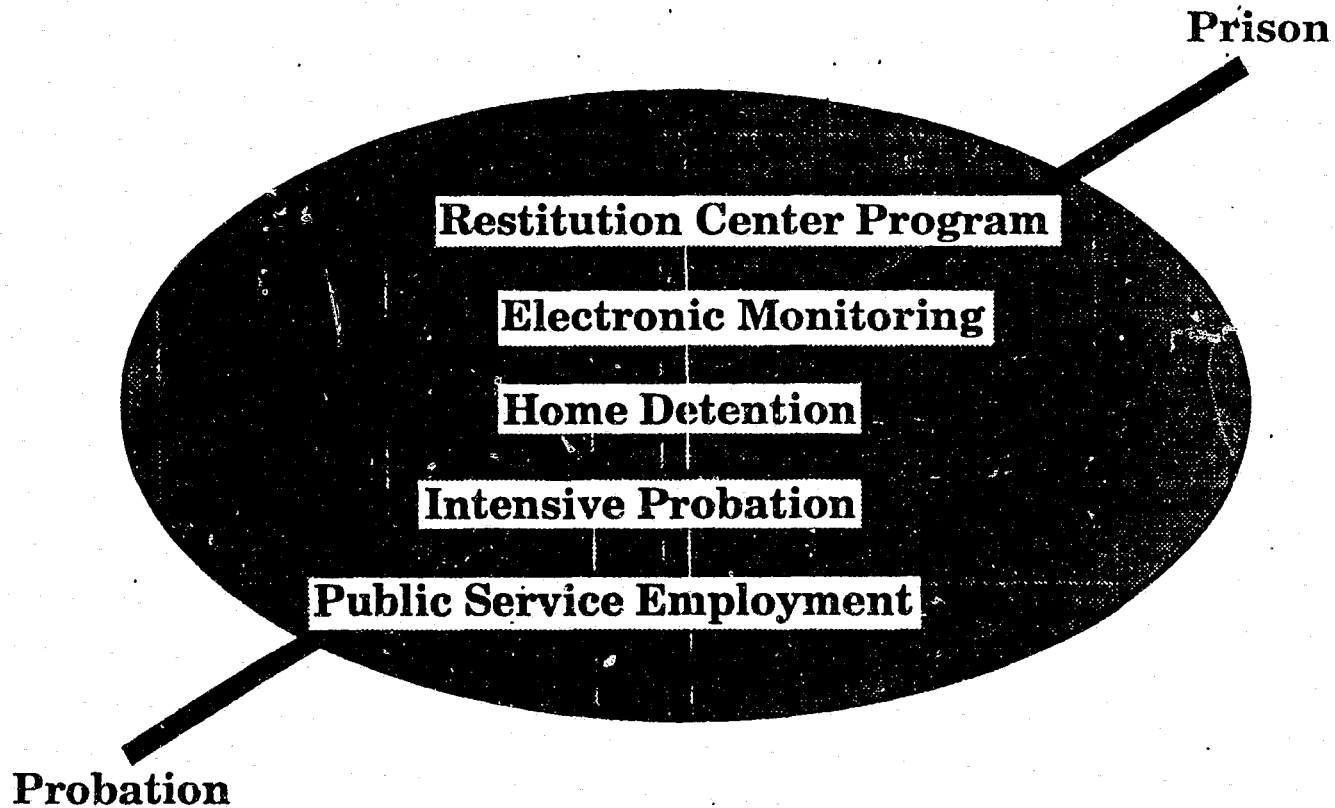
The Day Reporting Center opened the first week of March 1991 and presently has four clients.

PROBATION/PAROLE CLIENT POPULATION (1-31-91)

Probation	28,396
Parole	2,996
YOA Parole	969
Extended Work Release	191

COMMUNITY PUNISHMENTS

A Mid-Range Continuum of Sentencing Options and Sanctions



RESTITUTION CENTERS

Restitution Centers, operating since November 1987, are community-based residential facilities providing a strictly-supervised environment for nonviolent offenders while they maintain employment, pay victim restitution and perform unpaid public service during off-hours. Educational and other rehabilitative programs are provided. Offenders' wages are applied to restitution, court-ordered fines and fees, and room and board. Placement is for three to six months, based on the length of the suspended sentence.

Centers in Current Operation	2
Current Admissions	171
Admissions Since Program Inception	587
Total Client Wages Earned	\$ 1,024,586
Total Victim Restitution Paid	\$ 247,046
Total Court Fines and Fees Paid	\$ 99,404
Total FICA Paid	\$ 74,683
Total Federal Taxes Paid	\$ 77,202
Total State Taxes Paid	\$ 23,551
Public Service Hours Performed	93,572
Cost Savings (figured at minimum wage)	\$ 355,574

ELECTRONIC MONITORING

Electronic Monitoring utilizes state-of-the art technology to alert Probation/Parole Agents of violations by offenders placed on Home Detention. Should offenders go beyond an established perimeter of their residences or fail to answer computer-generated telephone calls, Agents are notified via pager and respond to assess the situation. Operated in two-phases during the first 90 days of Home Detention, offenders on Electronic Monitoring wear a transmitting anklet and are subject to telephone computer voice verification for 30 days. Upon completion of this phase, the anklet is removed while voice verification continues for another 60 days. Once this phase is successfully completed, offenders transition to basic Home Detention. A limited four-countypilot program studied use of Electronic Monitoring on probation and parole violators from July 1988 through October 1990.

Placements During Program Duration

115

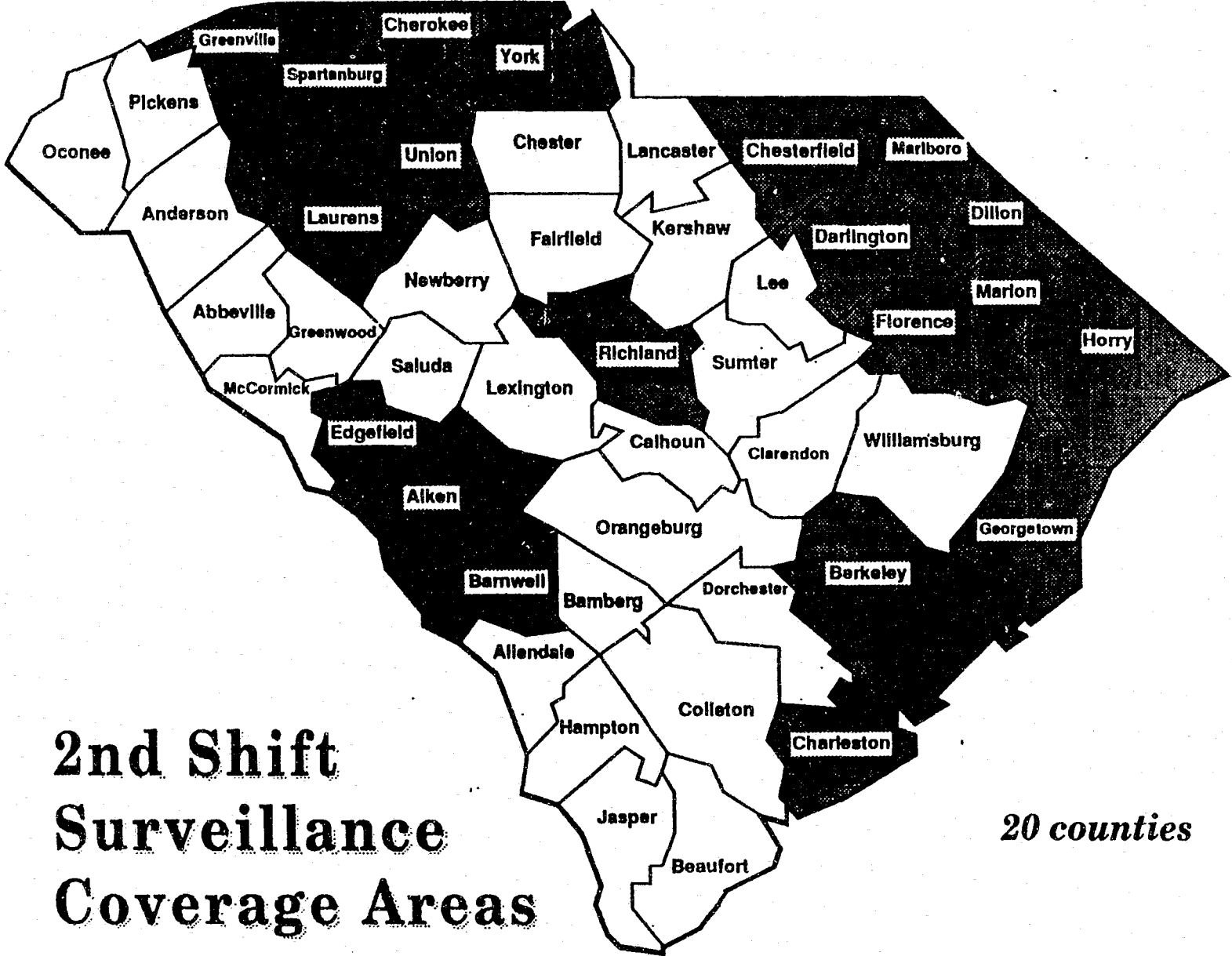
Program Success Rate

73.04 %

HOME DETENTION

Home Detention, utilized since July 1988, is a special condition of Intensive Supervision, under which offenders are confined to their residences at all times, with only those exceptions which the Court, Parole Board, Hearing Officer or Probation/Parole Agent may authorize. Enhanced surveillance and control techniques used in Home Detention ensure heightened supervision and accountability, and may include Second Shift Surveillance, Electronic Monitoring, as well as regular surveillance techniques. Home Detention has a duration of three to six months.

Current Home Detention Population	1,202
Admissions Since Program Inception	3,762
Current Program Success Rate	87.69 %



2nd Shift Surveillance Coverage Areas

20 counties

INTENSIVE SUPERVISION

Initiated in South Carolina by a 1981 legislative mandate, Intensive Supervision is a sanction with the primary objectives of increased supervision and offender accountability. These objectives are met through enhanced surveillance and control techniques and other special conditions, providing the offender with the proper balance of control and assistance. Intensive Supervision, performed by Probation/Parole Agents with limited caseloads, is enacted for a period of six months, unless otherwise specified by the Court or Parole Board. Offenders under Intensive Supervision, in addition to specified probationers and parolees, are those on one of the state's early release programs and, since 1990, those supervised for the South Carolina Department of Corrections on the Extended Work Release program.

Current Intensive Supervision Population	3,117
Admissions Since Program Inception	18,807
Current Program Success Rate	93.72 %

PUBLIC SERVICE EMPLOYMENT

The Public Service Employment program provides a sentencing option for the Court under which nonviolent offenders can directly pay back their communities for their criminal behavior. The program places offenders in unpaid work positions with nonprofit or tax-supported agencies to perform a specified number of hours, not to exceed 500, during a determinate period. One objective of the program is to match the skills of offenders with the needs of the work site. Since its inception in 1987, Public Service Employment has also been increasingly utilized as an additional sanction levied by the Parole Board.

Current Certified PSE Work Sites	853
Current Admissions to PSE	5,495
Admissions Since Program Inception	23,363
PSE Hours Worked Since Program Inception	2,425,068
Cost Savings (figured at minimum wage)	\$8,347,018

DRUG DETERRENCE

The Drug Deterrence and Identification Project enables Probation/Parole Agents to develop and utilize individual drug use profiles and to perform on-site urinalysis testing on targeted offenders, with results obtained within three minutes. Those offenders testing positive are subject to a continuum of intermediate responses including treatment referrals and/or punitive sanctions up to, and including revocation action. The Drug Deterrence and Identification Project, which has demonstrated a testing reliability factor exceeding 95 percent, has by highly utilized by field offices since its inception in July 1990.

Tests Performed Since Project Inception	16,877
Positive Test Results Since Inception	1,095
Percent Positive	8.8 %
Tests Performed Prior to Project (1987 to 1990)	14,778

DAY TREATMENT & REPORTING

Started with a federal grant of \$388,000, the Stayin' Straight intensive day treatment and reporting program was designed to combine the expertise of the S.C. Department of Probation, Parole, and Pardon Services, the S.C. Commission on Alcohol and Drug Abuse and the S.C. Department of Vocational Rehabilitation. Under the program, probationers and parolees at high-risk due to demonstrated substance abuse problems will be referred to the Stayin' Straight center for admission to a variety of programs and services.. The first comprehensive program of its kind in the country, Stayin' Straight will provide drug treatment and education, day reporting, individual and group counseling, job and life skills classes, case management services, and will assist in accessing existing health and human services for offenders and their families. The first referrals were made to the program in March 1991.

First Year Projected Admissions 150

Client Catchment Area Richland/Lexington Counties

PROBATION

Regular probation provides basic community supervision to offenders receiving a suspended sentence from the Court. Offenders are classified (maximum, medium, minimum) based on their need for services, supervision and their risk of committing new offenses. The degree of treatment and frequency of contact with the supervising Probation/Parole Agent are based on this classification. The maximum duration cannot exceed five years by law, and offenders must pay a supervision fee of \$240 per year, unless waived by the Court. Offenders placed under Intensive Supervision must pay \$10 per week for the duration of such supervision. Special conditions may be imposed to further restrict freedom, limit movement in the community, add further punitive measures, or to require rehabilitative services. Violation of any of the standard or special conditions of supervision may result in the imposition of additional punitive sanctions, up to and including revocation action by the Court.

Current Probation Population (includes Intensive)	30,258
Percentage of Active Supervision Population	87.7 %
Current Probation Population Success Rate	91.7 %

PAROLE

Regular parole provides basic community supervision to offenders released by the Parole Board to finish serving their sentences outside of prison under certain conditions. Offenders are classified (maximum, medium, minimum) based on their need for services, supervision and their risk of committing new offenses. The degree of treatment and frequency of contact with the supervising Probation/Parole Agent are based on this classification. Offenders must pay a supervision fee of \$240 per year, unless waived by the Parole Board. Offenders placed under Intensive Supervision must pay \$10 per week for the duration of such supervision. Special conditions may be imposed to further restrict freedom, limit movement in the community, add further punitive measures, or to require rehabilitative services. Violation of any of the standard or special conditions of supervision may result in the imposition of additional punitive sanctions, up to and including revocation action by the Parole Board.

Current Parole Population (includes Intensive)	3,410
Percentage of Active Supervision Population	9.9 %
Current Parole Population Success Rate	92.6 %

Appendix B

MINNESOTA

SUMMARY OF LEGISLATION AS IT PERTAINS TO RESTITUTION

Minnesota Statutes, section 609.135 authorizes the sentencing judge to stay execution or imposition of sentence and place the defendant on probation under such conditions as the judge may prescribe. One of these conditions of probation can be the payment of restitution. Indeed, if the defendant is not ordered to serve jail-time as a condition of probation, the statute directs the sentencing judge to order a noninstitutional sanction, such as the payment of restitution, where practicable. Payment of restitution may also be ordered in cases where sentence is imposed and executed. See Minnesota Statutes, sections 609.10 and 609.125.

According to Minnesota Statutes, section 611A.04, every victim of crime, including a corporation that incurs loss or harm as a result of crime, has a right to request that restitution be considered by the judge at the time of sentencing or after sentencing if the offender is on probation or supervised release and the true extent of the victim's loss was not known at the time of sentencing. The Crime Victims Reparations Board may also seek restitution on behalf of a reparations claimant. The restitution request must itemize the amounts claimed and the reasons justifying these amounts. If the court orders partial restitution, it must also specify the full amount of restitution that may be docketed as a civil judgement. If the court denies restitution, it must state on the record its reasons for doing so.

If restitution is ordered but not paid, the victim may seek enforcement of the order in the same manner as he or she would seek enforcement of a civil judgement. See section 611A.04, subdivision 3. Restitution may also be collected from the offender's tax refund or cash bail deposit, if any. In addition, if restitution was ordered as a condition of probation, the court may revoke probation for failure to pay, and sentence the offender to prison or payment of a fine. Legislation enacted in 1989 permits probation officers to seek a probation review hearing if restitution is not paid in accordance with the payment schedule or structure in the restitution order. Legislation enacted in 1986 and 1987 requires probation officers to seek a probation review hearing if restitution has not been paid by an adult or juvenile offender 60 days prior to the expiration of probation. Minnesota Statutes, sections 609.135, subdivision 1a and 260.185, subdivision 31. The 1986 legislation also requires clerks of court to keep track of the amount of restitution ordered in each case, any changes to the restitution order and the amount of restitution actually paid by the offender, and to forward the data to the state court administrator. The reason for this provision is to gather statistics on the degree to which victims are, in fact, being compensated for economic injury by means of restitution payments. See Laws 1986, chapter 463, section 10.

Finally, the 1987 Legislature enacted statutory procedures for attaching and freezing the financial assets of accused felons where there was an alleged loss of \$10,000 or more as a result of the crime and where an attachment order is necessary to ensure eventual restitution to victims of the crime. Minnesota Statutes, section 609.532.

I. STATUTES GOVERNING RESTITUTION

The following are excerpts from Minnesota Statutes as it relates to restitution. Please see Appendix for complete statutes.

609.10 SENTENCES AVAILABLE

Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence, may sentence the defendant to the extent authorized by law as follows: ...

(5) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both.

609.125 SENTENCE FOR MISDEMEANOR OR GROSS MISDEMEANOR.

Upon conviction of a misdemeanor or gross misdemeanor the court, if sentence is imposed, may, to the extent authorized by law, sentence the defendant:

(4) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both.

609.135 STAY OF IMPOSITION OR EXECUTION OF SENTENCE.

Subdivision 1. Terms and conditions. Except when a sentence of life imprisonment is required by law, or when a mandatory minimum term of imprisonment is required by section 609.11, any court may stay imposition or execution of sentence and (a) may order noninstitutional sanctions without placing the defendant on probation, or (b) may place the defendant on probation with or without supervision and on the terms the court prescribes, including noninstitutional sanctions when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person. No noninstitutional sanction may be ordered performed at a location that fails to observe applicable requirements or standards of chapter 181A or 182, or any rule promulgated under them. For purposes of this subdivision, subdivision 6, and section 609.14, the term "noninstitutional sanctions" includes but is not limited to restitution, fines, community work service, and work in lieu of or to work off fines.

Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a condition of probation and if the defendant fails to pay the restitution in accordance with the payment schedule or structure established by the court or the probation officer, the defendant's probation officer may, on the officer's own motion or at the request of the victim, ask the court to hold a hearing to determine whether or not the conditions of probation should be changed or probation should be revoked. The defendant's probation officer shall ask for the hearing if the restitution ordered has not been paid prior to 60 days before the term of probation expires. The court shall schedule and hold this hearing and take appropriate action before the defendant's term of probation expires.

611A.04 ORDER OF RESTITUTION.

Subdivision 1. **Request; decision.** (a) A victim of a crime has the right to request that restitution be considered as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender. The request for restitution shall be made by the victim in writing in affidavit form. The request must describe the items or elements of loss, itemize the total dollar amounts of restitution claimed, and specify the reasons justifying these amounts, if the request is for monetary or property restitution. A request for restitution may include, but is not limited to, any out-of-pocket losses resulting from the crime, including medical and therapy costs, replacement of wages and services, and funeral expenses. In order to be considered by the court, the request must be received by the court administrator of the appropriate court at least three business days before the sentencing or dispositional hearing. The court administrator shall provide copies of this request to the prosecutor and the offender at least 24 hours before the sentencing or dispositional hearing.

II. STATUTES GOVERNING PRESENTENCE INVESTIGATION

609.115 PRESENTENCE INVESTIGATION.

Subdivision 1. **Presentence investigation.** When a defendant has been convicted of a misdemeanor or gross misdemeanor, the court may, and when the defendant has been convicted of a felony, the court shall, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused by it to others and to the community. When the crime is a felony violation of chapter 152 involving the sale or distribution of a controlled substance, the report shall include a description of any adverse social or economic effects the offense has had on persons who reside in the neighborhood where the offense was committed.

When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota sentencing guidelines. The worksheet shall be submitted as part of the presentence investigation report.

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections. The officer conducting the presentence or predispositional investigation shall make reasonable and good faith efforts to contact the victim of that crime and to provide that victim with the information required under section 611A.037, subdivision 2.

Pending the presentence investigation and report, the court with the consent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, section 244.10, and the rules of criminal procedure.

Subd. 1a. **Contents of worksheet.** The supreme court shall promulgate rules uniformly applicable to all district courts for the form and contents of sentencing worksheets. These rules shall be promulgated by and effective on January 2, 1982.

Subd. 1b. {Repealed, 1987 c 331 s 13}

Subd. 1c. {Repealed, 1987 c 331 s 13}

Subd. 2. If the defendant has been convicted of a crime for which a mandatory sentence of life imprisonment is provided by law, the probation officer of the court, if there is one, otherwise the commissioner of corrections, shall forthwith make a presentence investigation and make a written report as provided by subdivision 1.

Subd. 3. All law enforcement agencies shall make available to the probation officer or the commissioner of corrections the criminal record and other relevant information relating to the defendant which they may have, when requested for the purposes of subdivisions 1 and 2.

Subd. 4. Any report made pursuant to subdivision 1 shall be, if written, provided to counsel for all parties before sentence. The written report shall not disclose confidential sources of information unless the court otherwise directs. On the request of the prosecuting attorney or the defendant's attorney a summary hearing in chambers shall be held on any matter brought in issue, but confidential sources of information shall not be disclosed unless the court otherwise directs. If the presentence report is given orally the defendant or the defendant's attorney shall be permitted to hear the report.

Subd. 5. If the defendant is sentenced to the commissioner of corrections, a copy of any report made pursuant to this section and not made by the commissioner shall accompany the commitment.

Subd. 6. Except as provided in subdivisions 4 and 5 or as otherwise directed by the court any report made pursuant to this section shall not be disclosed.

Subd. 7. If imposition of sentence is stayed by reason of an appeal taken or to be taken, the presentence investigation provided for in this section shall not be made until such stay has expired or has otherwise been terminated.

611A.037 PRESENTENCE INVESTIGATION; VICTIM IMPACT; NOTICE.

Subdivision 1. **Victim impact statement.** A presentence investigation report prepared under section 609.115 shall include the following information relating to victims:

(a) a summary of the dangers or harm and any other problems generated by the criminal occurrence;

(b) a concise statement of what disposition the victim deems appropriate for the defendant or juvenile court respondent, including reasons given, if any, by the victim in support of the victim's opinion; and

(c) an attachment to the report, consisting of the victim's written objections, if any, to the proposed disposition if the victim provides the officer conducting the presentence investigation with this written material within a reasonable time prior to the disposition.

III. STATUTES GOVERNING VICTIM IMPACT; NOTICE

611A.037 PRESENTENCE INVESTIGATION; VICTIM IMPACT; NOTICE.

Subd. 2. **Notice to victim.** The officer conducting a presentence or predispositional investigation shall make reasonable and good faith efforts to contact the victim of that crime and to provide that victim with the following information: (i) the charge or juvenile court petition to which the defendant has been convicted or pleaded guilty; or the juvenile respondent has admitted in court or has been found to have committed by the juvenile court, and of any plea agreement between the prosecution and the defense counsel; (ii) the victim's right to request restitution pursuant to section 611A.04; (iii) the time and place of the sentencing or juvenile court disposition and the victim's right to be present; and (iv) the victim's right to object in writing to the court, prior to the time of sentencing or juvenile court disposition, to the proposed sentence or juvenile dispositional alternative, or to the terms of the proposed plea agreement. To assist the victim in making a recommendation under clause (iv), the officer shall provide the victim with information about the court's options for sentencing and other dispositions. Failure of the officer to comply with this subdivision does not give any rights or grounds for postconviction or postjuvenile disposition relief to the defendant or juvenile court respondent, nor does it entitle a defendant or a juvenile court respondent to withdraw a plea of guilty.

611A.03. PLEA AGREEMENTS; NOTIFICATION.

Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall make a reasonable and good faith effort to inform the victim of:

(a) The contents of the plea agreement recommendation; and

(b) The right to be present at the sentencing hearing and to express in writing any objection to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated objections to the prosecuting attorney, the prosecuting attorney shall make these objections known to the court.

Subd. 2. **Notification duties.** A prosecuting attorney satisfies the requirements of subdivision 1 by notifying:

(a) The victim's legal guardian or guardian ad litem; or

(b) The three victims the prosecuting attorney believes to have suffered the most, if there are more than three victims of the offense.

Subd. 3. [Repealed, 1988 c 649 s 5]

IV. STATUTES GOVERNING THE ORDER OF RESTITUTION

609.532 ATTACHMENT OF DEPOSITED FUNDS.

Subdivision 1. **Attachment.** Upon application by the prosecuting authority, a court may issue an attachment order directing a financial institution to freeze some or all of the funds or assets deposited with or held by the financial institution by or on behalf of an account holder charged with the commission of a felony.

Subd. 3. **Issuance of a court order.** If the court finds that (1) there is probable cause that the account holder was involved in the commission of a felony; (2) the accounts of the account holder are specifically identified; (3) there was a loss of \$10,000 or more as a result of the commission of the alleged felony; and (4) it is necessary to freeze the account holder's funds or assets to ensure eventual restitution to victims of the alleged offense, the court may order the financial institution to freeze all or part of the account holder's deposited funds or assets so that the funds or assets may not be withdrawn or disposed of until further order of the court.

Subd. 5. **Release of funds.** (a) The account holder may, upon notice and motion, have a hearing to contest the freezing of funds or assets and to seek the release of all or part of them. . . .

Subd. 6. **Disposition of funds.** (a) If the account holder is convicted of a felony or a lesser offense, the funds or assets may be used to pay complete restitution to victims of the offense. The court may order the financial institution to remit all or part of the frozen funds or assets to the court.

(b) If the account holder is acquitted or the charges are dismissed, the court must issue an order releasing the freeze on the funds or assets.

Subd. 7. **Time limit.** The freeze permitted by this section expires 24 months after the date of the court's initial attachment order unless the time limit is extended by the court in writing upon a showing of good cause by the prosecution.

Subd. 8. **Notice.** Within ten days after a court issues an attachment order under this section, the prosecutor shall send a copy of the order to the account holder's last known address or to the account holder's attorney, if known.

(b) The court may amend or issue an order of restitution after the sentencing or dispositional hearing if:

(1) the offender is on probation or supervised release;

(2) a request for restitution is filed by the victim or prosecutor in affidavit form as required under paragraph (a); and

(3) the true extent of the victim's loss was not known at the time of the sentencing or dispositional hearing.

If the court holds a hearing on the restitution request, the court must notify the offender, the offender's attorney, the victim, and the prosecutor at least five business days before the hearing. The court's restitution decision is governed by this section and section 611A.045.

(c) The court shall grant or deny restitution or partial restitution and shall state on the record its reasons for its decision on restitution if a request for restitution has been made. If the court grants partial restitution it shall also specify the full amount of restitution that may be docketed as a civil judgment under subdivision 3. The court may not require that the victim waive or otherwise forfeit any rights or causes of action as a condition of granting restitution or partial restitution.

Subd. 2. Procedures. The offender shall make restitution payments to the court administrator of the county, municipal, or district court of the county in which the restitution is to be paid. The court administrator shall disburse restitution in incremental payments and may not keep a restitution payment for longer than 30 days. The court administrator shall forward the data collected to the state court administrator who shall compile the data and make it available to the supreme court and the legislature upon request.

Subd. 3. Effect of order for restitution. An order of restitution may be enforced by any person named in the order to receive the restitution in the same manner as a judgment in a civil action. An order of restitution shall be docketed as a civil judgment by the court administrator of the district court in the county in which the order of restitution was entered. A juvenile court is not required to appoint a guardian ad litem for a juvenile offender before docketing a restitution order. Interest shall accrue on the unpaid balance of the judgment as provided in section 549.09. A decision for or against restitution in any criminal or juvenile proceeding is not a bar to any civil action by the victim or by the state pursuant to section 611A.61 against the offender. The offender shall be given credit, in any order for judgment in favor of a victim in a civil action, for any restitution paid to the victim for the same injuries for which the judgment is awarded.

611A.04 ORDER OF RESTITUTION.

Subdivision 1. Request; decision. (a) A victim of a crime has the right to request that restitution be considered as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender. The request for restitution shall be made by the victim in writing in affidavit form. The request must describe the items or elements of loss, itemize the total dollar amounts of restitution claimed, and specify the reasons justifying these amounts, if the request is for monetary or property restitution. A request for restitution may include, but is not limited to, any out-of-pocket losses resulting from the crime, including medical and therapy costs, replacement of wages and services, and funeral expenses. In order to be considered by the court, the request must be received by the court administrator of the appropriate court at least three business days before the sentencing or dispositional hearing. The court administrator shall provide copies of this request to the prosecutor and the offender at least 24 hours before the sentencing or dispositional hearing.

611A.045 PROCEDURE FOR ISSUING ORDER OF RESTITUTION.

Subdivision 1. **Criteria.** The court, in determining whether to order restitution and the amount of the restitution, shall consider the following factors:

(1) the amount of economic loss sustained by the victim as a result of the offense; and

(2) the income, resources, and obligations of the defendant.

Subd. 2. **Presentence investigation.** The presentence investigation report made pursuant to section 609.115, subdivision 1, must contain information pertaining to the factors set forth in subdivision 1.

Subd. 2a. **Payment structure.** The court shall include in every restitution order a provision requiring a payment schedule or structure. The court may assign the responsibility for developing the schedule or structure to the court administrator, a probation officer, or another designated person. The person who develops the payment schedule or structure shall consider relevant information supplied by the defendant. IF the defendant is placed on supervised probation, the payment schedule or structure must be incorporated into the probation agreement and must provide that the obligation to pay restitution continues throughout the term of probation. If the defendant is not placed on probation, the structure or schedule must provide that the obligation to pay restitution begins no later than 60 days after the restitution order is issued.

Subd. 3. **Dispute, evidentiary burden.** A dispute as to the proper amount or type of restitution must be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of loss sustained by a victim as a result of the offense and appropriateness of a particular type of restitution is on the prosecution.

V. STATUTES REGARDING PAYMENT OF RESTITUTION

611A.04 ORDER OF RESTITUTION.

Subd. 2. Procedures. The offender shall make restitution payments to the court administrator of the county, municipal, or district court of the county in which the restitution is to be paid. The court administrator shall disburse restitution in incremental payments and may not keep a restitution payment for longer than 30 days. The court administrator shall keep records of the amount of restitution ordered in each case, any change made to the restitution order, and the amount of restitution actually paid by the offender. The court administrator shall forward the data collected to the state court administrator who shall compile the data and make it available to the supreme court and the legislature upon request.

609.135 STAY OF IMPOSITION OR EXECUTION OF SENTENCE.

Subd. 1a. Failure to pay restitution. If the court orders payment of restitution as a condition of probation and if the defendant fails to pay the restitution in accordance with the payment schedule or structure established by the court or the probation officer, the defendant's probation officer may, on the officer's own motion or at the request of the victim, ask the court to hold a hearing to determine whether or not the conditions of probation should be changed or probation should be revoked. The defendant's probation officer shall ask for the hearing if the restitution ordered has not been paid prior to 60 days before the term of probation expires. The court shall schedule and hold this hearing and take appropriate action before the defendant's term of probation expires.

There is an expanding use of restitution (restorative justice) and community/work service. This expansion is driven not only by corrections professionals but also by victims and public officials who see these programs as both positive and necessary.

■ Issues

1. There currently are not enough resources available to provide a sound restitution program in most jurisdictions.
2. There is a need to encourage more judicial support and priority for restitution or community service sanctions.
3. The standardization of sanctions is a particularly important issue in the area of community work service. Credit an offender is given for an hour of work should be based in the law and should be standardized statewide.

■ Strategies

1. Support efforts to seek resources which will enable every community services district to offer a restitution program, both juvenile and adult.
2. The Sentencing to Service program should be expanded into every department community services district and should be provided for both juveniles and adults.
3. In conjunction with the Minnesota Association of Restitution Services and other interested parties, begin an education effort aimed at the judiciary, other criminal justice agencies and the general public regarding the viability of restitution and community/work service programs (see Public Education, Trend IV).
4. The department should make formalized efforts to gain judicial support and priority for restitution and community/work service programs.
5. Seek legislation that would standardize sanctions for community/work service programs.

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Commentary

The techniques for the implementation of restitution and community/work service programs are well developed. Resources are needed to pursue implementation and broader support of the judiciary and the public.

While many probation/parole officers are enthused about the potential of restitution, it has not proven to be effective if it is merely an add-on to a traditional caseload. Resources are needed to make restitution a specialty within any community services unit.

RESTITUTION: MONEY JUDGEMENTS
PROCEDURES

Under recent legislation enacted in California, an order by the court to a person convicted of a crime (the defendant) to pay restitution, to a victim, is enforceable in the manner as a money judgment.

California Penal Code Section 1214(b) states:

"In an case in which a defendant is ordered to pay restitution as a condition of probation or of a conditional sentence, including where restitution is required by Section 1203.04, the order to pay restitution is deemed a money judgment if the defendant was informed of his or her right to have a judicial determination of the amount and was provided with a hearing, waived a hearing, or stipulated to the amount of the restitution ordered, and shall constitute a civil judgment enforceable in the same manner as is provided for the enforcement of any other money judgment. Upon the victim's request, the court shall provide the victim in whose favor the order of restitution is entered with a certified copy of that order."

California Government Code Section 13967(c) states:

"In cases in which a victim has suffered economic loss as a result of the defendant's criminal conduct, and the defendant is denied probation, in lieu of imposing all or a portion of the restitution fine, the court shall order restitution to be paid to the victim. Notwithstanding subdivision (a), restitution shall be imposed in the amount of the losses, as determined. The court shall order full restitution unless it finds clear and compelling reasons for not doing so, and states them on the record. A restitution order imposed pursuant to this subdivision shall identify the losses to which it pertains, and shall be enforceable as a civil judgment. The making of a restitution order pursuant to this subdivision shall not affect the right of a victim to recovery from the Restitution Fund in the manner provided elsewhere, except to the extent that restitution is actually collected pursuant to the order. Restitution collected pursuant to the subdivision shall be credited to any other judgments for the same losses obtained by the victim against the defendant arising out of the crime for which the defendant was convicted."

These laws allow you to obtain a money judgment against the defendant without suing him/her. An action to enforce a money judgment is a civil remedy. If you are a victim of a crime in which the court has ordered restitution to be paid to you, you will have to take certain steps, under the law, to enforce this order.

This informational packet is designed to take you step-by-step through the process of enforcing a money judgment. There is no guarantee that you will receive any money from the defendant nor will this procedure be without costs to you. By reading this

information you will be able to see the process and decide whether you want to proceed toward this civil remedy.

The Municipal Courts have jurisdiction over misdemeanor cases and the Superior Court has jurisdiction over felony cases.

Step 1

The appropriate court for you to begin this process of civil remedy is the particular Clerk's Office of the court in which the defendant was sentenced.

If the court has sentenced the defendant and has ordered the defendant to pay restitution to you, you are entitled to a certified copy of that order upon request.

To obtain a copy of that order you must go to the Clerk's Office, Criminal Division, of the court where the defendant was sentenced.

1. Give the clerk the defendant's name and the court docket number.
2. Ask the clerk for a certified copy of the sentencing order which contains the order for restitution. The clerk will provide you with a certified copy of that order, free of charge (1214(b) Penal Code).

NOTE: It is important that you make a copy of this certified copy to keep for your own records.

3. Upon receipt of this order, proceed to the Judgment Section of that office and ask the clerk for an Abstract of Judgment Form (Judicial Council Form 982(a)(1)).
4. Complete items 1a through 1d of this form. (The Clerk will complete items 2a, and 3 through 9, and issue the Abstract.)

If you know or find out that the defendant has income from wages or owns any property which may be seized by the sheriff to satisfy this money judgment, continue on with these instructions. However, quite often there is nothing and you must wait until you determine that the defendant has assets that may be seized, before continuing with these procedures.

If the defendant owns real property you must take this Abstract of Judgment Form to the County Recorder's Office located in the county in which the property is located.

You must record this Abstract with the Recorder. The cost of recording the Abstract may vary from county to county so you will need to call the appropriate County Recorder's Office to determine what the cost will be for this procedure. (There may be additional

costs if more than one debtor is involved or the order is more than one page).

This recording will act as a lien for a period of 10 years against any real property owned by the defendant located within the county in which the Abstract is recorded.

NOTE: If an abstract of judgment has been recorded and the defendant has paid off the entire debt owed to you in the judgment, you (the judgment creditor) must:

1. File an Acknowledgment of Satisfaction of Judgment with the Court.
2. Serve an Acknowledgment of Satisfaction of Judgment on the judgment debtor (personally or by mail).

(Code of Civil Procedure Section 724.040 Judicial Council Form EJ-100.)

Step 2

If you find that the defendant is working or has personal property which can be seized, you must go to the Civil Division of the Clerk's Office of the court where you obtained a certified copy of the Abstract of Judgment Form.

Ask the clerk for:

1. A Writ of Execution (there is a fee for this).
2. Show the clerk a copy of the Abstract of Judgment.

The clerk will help you complete the Writ of Execution (Judicial Council Form EJ-130).

Step 3

After you determine which asset of the defendant you wish to proceed against:

Take the original Writ of Execution to the Sheriff's Office Civil Section (you will have to call the Sheriff's Department in the county in which the Writ is being executed to find the location of this office. Tell the person at this office you have a Writ of Execution that you would like enforced. The person will assist you in completing their instruction form for service by the Sheriff.

You must have names and addresses of employers, banks, etc., pertaining to the asset you wish to have the sheriff seize. There is a fee for the Sheriff to perform this duty. The amount of the fee is determined by the type of property to be seized.

Some examples of assets that you may wish the Sheriff to seize are as follows:

If you are seeking to have the defendant's wages attached.
If you are seeking to attach rents received by the defendant or bank accounts.

If the defendant owns a retail business and you are seeking to obtain receipts for an 8-hour period to satisfy your lien.

If the defendant owns a motor vehicle.

If the defendant owns real property.

These fees may be paid by cash or personal check, but must be paid prior to any service by the sheriff. If the sheriff is successful in seizing property to satisfy the judgment, the fees you paid will be included to reimburse you.

The sheriff will attempt to execute the Writ of Execution upon the defendant as instructed. The sheriff has 180 days to levy upon any property owned by the defendant.

When the sheriff serves the Writ of Execution and is successful in obtaining assets/property/wages, the defendant must be informed by the Sheriff of his/her right to a Claim of Exemption.

Under the law, there are certain exemptions that a person may claim who has had property taken from them to satisfy a debt. In order to claim such an exemption, the defendant must go to the Sheriff's office and obtain a Claim of Exemption Form (for a fee). This form is filed with the Sheriff's Office Civil Section.

When the Sheriff's Office receives this form from the defendant you will be personally served or notified by mail that the defendant has claimed such an exemption.

You will have 10 days from the date the notice was mailed to you or personally served upon you to respond or the property will be returned to the defendant.

If the defendant does not claim any exemption within 10 days of being notified, the sheriff will proceed with the disbursement of money collected or sale of the property.

Step 4

If you are notified that the defendant has claimed an exemption, you are entitled to a court hearing to determine if the defendant's Claim of Exemption is valid. The hearing will be conducted by a court handling civil actions in the same judicial district or superior court where defendant was sentenced.

DEPARTMENT OF THE YOUTH AUTHORITY
PAROLE SERVICES MANUAL

CHAPTER: MANAGEMENT SERVICES

SUBJECT: RESTITUTION

3525

General Policy

3525

Per a provision of Proposition 8, as enacted by the voters in June of 1982, the Legislature has enacted a series of statutes concerning restitution for convicted offenders (Government Code 13967) and for juvenile offenders (W&I Code 730.6). Adult or juvenile offenders who are committed to either the Department of Corrections or the Youth Authority shall be assessed a restitution fine to victim(s) and/or a Restitution Fine by the committing court. The Restitution Fine, unlike restitution to be paid to victims, is paid to the State Restitution Fund for indemnification of victims of violent crimes.

In the event that a ward/parolee has a court order requiring both direct payment to a victim (or victims) and to the Restitution Fund, the direct payment to victim(s) must be satisfied before any payments are made to the Restitution Fund.

When there are multiple victims, the parole office will issue checks rotating between victims, starting with the first victim to notify the Department of his/her desire to receive restitution payments.

INCOMING PAROLEES

Procedures

PAROLE CLERICAL

1. When preparing field booksheet, include restitution orders.
2. Receive copy of Restitution Ledger Card, (YA 4.707) from sending institution. Draw a line under institution entries and enter balance owed in "Balance" column. Place in parolee's field file.
3. Notify Parole Agent of amount owed.

You must go back to the Clerk's Office, Civil Division to request this hearing. (Code of Civil Procedure 706.105) Tell the clerk you want a "Notice of Opposition to Claim of Exemption" (form EJ-170) and a "Notice of Hearing on Claim of Exemption" (form EJ-175). The clerk will help you complete it. There is no fee for this service.

Step 5

Take this "Notice of Opposition to Claim of Exemption" and the "Notice of Hearing on Claim of Exemption" to the Sheriff's Office, Civil Division and give them to the person there. The hearing will be held within 20 days from the date you filed these notices with the Clerk's Office.

You must also serve notice upon the defendant within ten (10) days from the date of the hearing by mailing the notices by certified mail to the defendant, which will give you a record of receipt.

Step 6

The Court will conduct a hearing to determine whether the defendant is entitled to an exemption under the law as claimed. If the court finds such an exemption, the court will order the property returned to the defendant. If the Court finds that the property seized is not exempt, the court will order the sheriff to disburse any money, sell the property seized, or order the defendant to receive a specified amount out of sale proceeds.

The defendant may appeal the decision of the court but must post a bond in the same amount as the money judgment to do so.

Should an appeal occur, procedures will take place according to law and you must await decision by the Court as to its outcome.

As you can see, this procedure is not difficult if you follow these instructions. Remember, there is no guarantee that you will be successful. The result will depend upon whether the defendant has any assets that may be seized.

Should you have any additional questions about this procedure:

Contact the Victim Notification Program in the Criminal Division of the California State Attorney General's Office, 1515 K Street, Sacramento, CA 95814. Phone (916) 324-5035.

NOTE: ALL FEES STATED ARE SUBJECT TO CHANGE.

4. Monthly, check Information Systems computer printout of names and Y.A. numbers against parolees assigned to your office. (Note: Amount shown on printout will be original amount of restitution ordered. It will not necessarily agree with amount currently owed.) If a discrepancy is noted between names and Y.A. numbers on printout and parolees assigned to your office, notify Headquarters Accounting Office, Parole Unit, via memorandum.

PAROLE AGENT

1. Counsel parolee, as part of initial contact, as to condition of parole requiring payment of restitution fine.
2. Propose a payment schedule with parolee when he/she has demonstrated an ability to pay.
3. Obtain agreement, in writing, from parolee as to payment schedule.

GUIDELINE: 20 percent of gross wages

GOAL: Payoff of fine within one year.

4. Include information on restitution agreement as part of next scheduled Board report (annual review, etc.) or when alleging technical violation of parole for failure to make restitution.

COLLECTION OF RESTITUTION FINES

Procedures

PAROLE AGENT

1. Parolee will normally be expected to make restitution payments at the parole office to the petty cash custodian.
2. These payments should be sent by the parolee directly to the parole office in the form of a money order or cashier's check. A receipt will be provided to the parolee.
3. Parole Agents may accept restitution payments from parolees and issue preliminary receipt. The restitution payment will be returned to

the parole office by the Parole Agent and given to the petty cash custodian for processing.

When monies are received from parolees/Parole Agents for payment of fines to the Restitution Fund:

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PAROLE CLERICAL/PETTY
CASH CUSTODIAN

1. Prepare receipt (Form YA 4.110) for all collections of cash, cashier's checks or money orders as outlined in Parole Accounting Manual Section 4010. Clearly indicate "Restitution Fine" in Reason for Payment section. Write office Index Code and PCA number on receipt.
2. Endorse all cashier's checks and money orders immediately upon receipt.
3. Post date and amount paid on Restitution Ledger Card in parolee's field file.
4. If a payment is received from a parolee assigned to another field office, call that office to report the payment. Forward a Xerox copy of the receipt to the assigned office.
5. Maintain restitution fines separately from any other monies collected.
6. Weekly, prepare deposit of all restitution fines collected.
 - a. Run adding machine tape of all receipts. Write receipt number next to each amount on tape.
 - b. Prepare Report of Deposit and adding machine tape of checks as outlined in Parole Accounting Manual Section 4025.
7. Deposit funds at approved local bank; have teller issue receipts as outlined in above section.
8. Attach duplicate copies of receipts to second, third and fourth copies of receipted Report of Deposit and forward to Headquarters Accounting, Control Unit.

When monies are received from parolees/Parole Agents for direct payment of restitution fines to victims:

PAROLE CLERICAL/PETTY
CASH CUSTODIAN

1. Prepare receipt (Form YA 4.110) for all collections of cash, cashier's checks or money orders as outlined in Parole Accounting Manual Section 4010. Clearly indicate "Direct Payment to Victim" in Reason for Payment Section. Leave Allotment Code/Living Unit and Exp. Code sections blank. Do not indicate victim's name on receipt. Cross reference the 008 Account check by indicating its number in the Reason for Payment Section.

Distribution of Receipt copies:

- o Original copy (white) to parolee.
- o Send yellow copy to Headquarters Accounting, Control Unit. N
- o Pink copy is retained in office receipt book. E

2. Post date and amount paid on Restitution Ledger Card in parolee's field file. W

3. If a payment is received from a parolee assigned to another field office, provide a "temporary receipt" to the parolee and forward the payment and a receipt copy to the assigned office.

4. Prepare Deposit Slip (STD 448, NEW 8/88) for bank deposit into "Revolving Account." Note "008" in Account No. box.

Distribution of Deposit Slip copies:

- o Send original plus two copies to Headquarters Accounting, Control Unit.
- o Retain one copy for office file.
- o One copy to bank.

- 5. Prepare 008 Account check. In upper left-hand corner, indicate Supervising Parole Agent initials, parole office, "Direct Payment to Victim," parolee's name and YA/M number, and Receipt and Deposit Slip numbers for cross referencing.

|
N
E
W

Distribution of 008 Account check copies:

- o Send original to victim.
- o Send blue and white copies to Headquarters Accounting, Control Unit.

REPORTING

Procedures

PAROLE AGENT

- 1. Review payment history with parolees at case review conferences.
- 2. Report payment history to YOPB as part of annual, or next scheduled, case review.
- 3. Advise Headquarters Accounting, Parole Unit, when parolees, with substantial (\$300 or more) outstanding balances, acquire significant assets. (Example: insurance settlement, acquisition of real property, etc.)

NOTE: The Department of the Youth Authority is required to provide this information to the State Controller for possible attachment.

- 4. Propose modifications of payments schedule to Supervising Parole Agent when parolee's circumstances change significantly (loss of job, etc.).
- 5. Parolee may request informal administrative hearing by Supervising Parole Agent to modify payment schedule.

SUPERVISING PAROLE AGENT

- 1. Reviews, modifies and approves modifications to payment schedule.
- 2. Advises parolee of decision.

PAYOFF OF RESTITUTION FINE

Procedures

PAROLE CLERICAL

1. When Restitution Ledger Card indicates zero balance, notify Parole Agent of payoff.

PAROLE AGENT

1. As part of next report to YOPB, notify the Board of satisfaction of the restitution fine.
2. Prepare a letter to the court which ordered restitution, advising it of satisfaction of the debt (to be reviewed and approved by Supervising Parole Agent).

DISCHARGE

Procedures

PAROLE AGENT

1. Advise YOPB, on discharge report of amount of restitution still owing.
2. Prepare Restitution Status Form, YA 1.703 (3/88), and mail to the court which ordered restitution, advising it of parolee's discharge, residence address, and restitution status (to be reviewed and approved by Supervising Parole Agent).

General Policy

3575

It is the policy of the Department that there be an awareness of and sensitivity to the plight of victims by both the offender and the correctional system. Victims often feel powerless in dealing with the correctional system and those who have attempted to communicate needs and concerns often feel ignored and that they are not important and do not have rights. The Department holds that the victim is vitally important and should expect and receive a sympathetic audience, support and assistance.

The Parole Services Branch will place greater emphasis upon the impact of crime on victims; the right of victims to reparation; the right of victims to advocacy and other forms of assistance; and the right to know when offenders will be released. We recognize the needs and rights of victims and will develop the capability to respond by developing an awareness among staff through training, by providing information about Youth Authority control/treatment programs and length of stay, by providing assistance through referral to victim services resources, and by providing services such as collection of offender restitution fines and mandating public service activities and other appropriate forms of reparation.

The Branch will designate coordinators in each region to serve in a liaison role with the Department's Victim Services Coordinator. The departmental coordinator will provide training and direction to Branch and regional victim programs. The Assistant Deputy Director will provide direction to the Branch victim program and coordinate activities with other branches and external agencies and groups. The Assistant Deputy Director will consult with and seek direction from the Deputy Director and provide information to the Branch Cabinet on a regular basis.

ACTIVITIES

- Collection of restitution fines (refer to PSM Section 3525).
- Encourage involvement by parolees in public/community service projects. The Branch will proactively seek opportunities for ward participation in such projects. These would include work programs administered by local justice system agencies, volunteer assignments with nonprofit charitable and public service agencies and organizations, volunteer assignments with recreation districts and local youth athletic organizations - such as little league, volunteer assignments with senior citizen centers, etc. Regions will report semi-annually concerning participation on public/community service projects which will include a description of agencies and organizations served, activities, and total ward hours donated. Efforts to develop such participation and the reasons for lack of success or local interest should be documented.
- Establish and maintain liaison and coordination by unit level staff with victim services and reparation programs in their assigned areas. Victim advocacy and service groups and agencies should be invited to unit meetings and regionalized training sessions.
- Explore methods to develop, increase and heighten parolee awareness about the impact of crimes upon victims.
- Provide needed follow-up service with wards who have been involved in institutional victim programs. These services would include, but not be limited to, the following:
 1. Encouraging and monitoring payment of direct restitution as agreed to by the ward.

2. Coordinating and monitoring any ward/victim direct relationship established in the institution which warrants continuation while on parole status.
- Provide surveillance and monitoring of ward activities to avoid contact with prior victims when specifically requested by victims.

- 1) Normally, Department staff assistance shall be limited to forwarding letters of remorse, judged by the ward's counselor to be sincere and appropriate, with approval by the facility Victim Services Coordinator or Office of the Superintendent.

WARD ACCOUNTABILITY

5875

Wards shall be held accountable for their actions through a variety of program activities including: participation in public service projects; payment of restitution; learning how their criminal behavior has impacted and damaged their victims; accepting responsibility for the consequences of their criminal behavior; making specific/realistic plans for leading a crime free life; and demonstrating a pro-social attitude about the rights of other people and their property.

Restitution to Victims

If ordered by the committing court and requested by the victim, wards shall be required to pay restitution as a condition of any paid institutional/camp employment. Victims may designate a third party to receive restitution payments on their behalf or as a gift. Restitution payments shall not be required by the Youth Authority if the victim refuses to accept payment (or designate a third party) or cannot be located. (See Section 5876.)

Restitution Fine

If ordered by the committing court, wards shall be required to pay restitution fines as indicated in Section 5876 below.

Case Planning/Reporting

Initial and progress case conference reviews; transfer summaries; and annual review, furlough requests and refer to parole case reports to the Board shall address program objectives related to wards':

- a. attitudes towards their victims and other people;
- b. awareness and acceptance of responsibility for the impact of their behavior on others;
- c. ability, opportunity and willingness to pay court ordered restitution and/or participate in public service programs designed to provide funds or services to victims.

(See Sections 4030 and 4035; and Program Catalog dictation guides for Annual/Progress Review Report, Transfer Summary Report, Referral to Parole Report, Report Recommending Furlough, and Discharge Report.)

WARD EARNINGS

5876

Any ward, as a condition of institution or camp employment, shall contribute 15 percent of earnings to his/her victim(s) and/or the State Restitution Fund as ordered by the committing court.

In cases where the court has ordered restitution payments to both the victim and the State Restitution Fund, the victim shall be given first priority if the ward cannot reasonably make payments to both.

All Free Venture Program wards, including those not ordered to do so by the court, shall contribute 15 percent of their earnings to the State Restitution Fund unless ordered by the court to pay restitution directly to victim(s).

Minimum Payments

Checks from ward trust accounts for payment of restitution (insurance companies, State Fund or direct to victims) should be issued in a minimum amount of \$5.00 or the full amount owed if less than \$5.00. Checks need not be issued more often than once per quarter, regardless of amount.

Multiple Victim Payments

When the court specifies restitution payments to more than one victim (individuals and businesses),

payments shall be rotated between the victims in the order their requests were received (based on date of "Memo to Superintendent" or Date Stamp on "Victim Request for Restitution").

When the court orders restitution payments to both the actual victim(s) and to the State Restitution Fund and/or insurance companies, the following priority shall be used to determine to whom payments are to be made, unless otherwise specified by the committing court.

- Victims (individuals and businesses)
- Restitution Fund
- Insurance companies (for reimbursement of payment of victim claims).

Amounts paid shall be reported to the Youthful Offender Parole Board at each annual review hearing and at hearings where release on parole may be considered.

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Institutional or
Camp Superintendent

1. Establish procedures which assure institutional staff compliance with the responsibilities specified in this section and Sections 1450-1466 and 5851.
2. Notify appropriate casework and accounting personnel and assure initiation of this section and Sections 1450-1466.

Institutional or
Camp Casework Staff

1. Advise the ward that, as a condition of any employment while confined to a Youth Authority facility, he/she must pay restitution as specified by the court and departmental policy described above.
2. Include goals and strategies for meeting restitution obligations in case planning and report the ward's progress to the Youthful Offender Parole Board at annual reviews and referral to parole.

Encourage wards to voluntarily pay additional restitution (above the 15 percent minimum requirement) and explain that good faith compliance with restitution orders will be

reported to the Youthful Offender Parole Board.

3. Follow procedures outlined in Sections 1453-1466.

Camp Superintendent

1. Review confidential victim envelope on bottom left side of each new ward's field file for documents indicating a victim's written request for restitution payments (i.e., memo to previous Superintendent from Ward and Victim Services Section).
2. Forward a copy of the Superintendent's Ward and Victim Services memo to the institutional accounting office responsible for the camp's ward trust accounts.

Institutional
Accounting Section
(servicing camp)

1. Follow procedures as described in Sections 1453-1466.
2. Forward checks payable to the victim, or other person or organization designated by the victim, to the Camp Superintendent. Include a statement showing the amount paid and balance outstanding. Include check transmittal letter. Rotate payment among two or more victims as required under "Multiple Victim Payments" above.

REV

Camp Superintendent

1. Forward check to the indicated payee together with a statement showing the amount paid and balance outstanding. Include check transmittal letters.

Institutional
Accounting Section

1. Follow procedures outlined in Sections 1453-1466.
2. Forward checks, in accordance with directions received from the victim, together with a statement showing the amount paid and balance outstanding. Include check transmittal letter. Rotate payment among two or more victims as required under "Multiple Victim Payments" above.
3. Forward copies of the above check transmittal letter and statement to the ward's parole file.

REV

4. Maintain an updated file of all activity concerning each victim request for direct payment of restitution. Retain files for five years following ward's release on parole.

FUND RAISING FOR VICTIM SERVICES

Each institution and camp is encouraged to develop projects for wards to raise funds or assist agencies and programs which provide services to victims of crimes. Program planning should involve local citizen and victim advisory committees, and ward advisory committees in the design and implementation of the victim services fund raising project. Programs should avoid activities where staff would be solicited as the primary source of funds.

Fund raising activities shall not have significant economic impact on local businesses or craftsmen nor be conducted during time periods that would have been used for ongoing community service activities. Wards shall not participate in victim services fund raising in lieu of other mandated program activities.

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5877

Appendix F
CYA Samples of Restitution Letter and Form

May 29, 1991

Re:

Dear :

As you may know, the offender who committed a crime against you was recently sent to the California Youth Authority. As the victim of this crime, you have the right to receive information about the Youth Authority, the offender and to express your views to the people making decisions about the offender's case. We welcome and encourage your involvement.

The enclosed brochure "He Got CYA" will assist you to understand what will happen to the offender. Also enclosed is an Offender Information Request form to be reviewed and used by you to receive specific information about the offender. To receive this information, return the completed form to the Youth Authority in the envelope provided. If the court ordered the offender to pay restitution to you, we request that you also complete and return the Authorization for Payment of Restitution form.

Your request for information and/or restitution will be kept confidential. Also, be assured that your name and address will not be made available to the offender or any unauthorized person.

The Department of the Youth Authority hopes this notification process will give you some peace of mind. We will make every effort to be responsive, informative and sensitive to your concerns. If you have questions, please feel free to contact our Victim Services Section at the above address or call (916) 427-4860, in Sacramento. Refer to the back page of the enclosed brochure for other information and assistance resources, including a toll free phone number.

Sincerely,

B. T. COLLINS
Director

by
Gwen Robinson
Victim Restitution Coordinator

DEPARTMENT OF THE YOUTH AUTHORITY
Authorization for Payment of Restitution

Victim's Name and Mailing Address

Name: _____

c/o: _____

Address: _____

City/State/Zip: _____

INSTRUCTIONS

Complete the information indicated in the box to the left and fill in the offender's name & number below: Indicate your request by checking one of the boxes "[]" below. Return this completed form in the envelope provided.

**SEE REVERSE SIDE FOR
ADDITIONAL INFORMATION**

Offender's Name: _____ YA #: _____
(The offender's name and YA # is shown on the letter that accompanied this form)

Amount of Restitution Ordered: \$
(Completed by Youth Authority)

You may have payments forwarded to you at any address you wish or through a third party (for example, an attorney, employer, etc.) Your address and other information you may provide will be kept confidential by this office and will not be released to any unauthorized person. You may use the extra form to notify the Youth Authority of any change in address or change in your decision about requesting restitution.

If You Do Wish to Receive Restitution, check the box below, initial where indicated and return the form in the envelope provided. (Please initial)

I do wish to receive restitution, please forward payments as indicated above _____

If You Do Not Wish to Receive Restitution, check the box below, initial where indicated and return the form in the envelope provided. (please initial)

I do not wish to receive restitution, please forward payments as indicated below _____

With your permission, the Youth Authority will direct the ward's restitution payments to the organization you indicate below (in your local area, if available.) Please select only one organization.

- | | |
|---|--|
| <input type="checkbox"/> Mothers Against Drunk Driving | <input type="checkbox"/> Friday Night Live |
| <input type="checkbox"/> Victim/Witness Assistance Center,
Emergency Relief Fund | <input type="checkbox"/> National Organization for Victim Assistance |
| <input type="checkbox"/> Parents of Murdered Children | <input type="checkbox"/> Rape Treatment Center |
| <input type="checkbox"/> Loved Ones of Homicide Victims | <input type="checkbox"/> Battered Women Shelter |
| <input type="checkbox"/> Other (please specify below) | <input type="checkbox"/> Child Abuse Treatment Center |
| | <input type="checkbox"/> State Board of Control; Reimbursement
of Victim Loss |

Receipt for donation to above organization requested; forward to address shown above.

Please indicate any special comments or instructions: _____

I understand that the Youth Authority's collection and forwarding of restitution payment is contingent upon the offender's ability to pay. Restitution payments will be made by check payable as indicated above.

Signature

Date

4/17/91

Appendix G : South Carolina DOC Letter to Victim Regarding
Offender's Restitution Obligation

THIS IS ONE OF MANY RELEASE LETTERS.
THIS ONE COVERS PROBATION AND RESTI-
TUTION. EACH RELEASE LETTER IS
TAILORED TO FIT THE TYPE RELEASE FOR
THE INMATE. PAROLE RELEASES ARE
HANDLED BY ANOTHER AGENCY IN SC.

Victim/Witness
address
City, State

Re: Inmate; Number
Location

Dear Victim/Witness:

Complying with your previous request for notification, I wish to inform you that Inmate _____ has completed _____ sentence, and will be released from our custody on _____.

Inmate _____, however, has a probationary sentence which will be serve under the jurisdiction of the South Carolina Department of Probation, Parole and Pardon Services, an agency separate from the Department of Corrections. The court ordered restitution is a special condition of the probation. Restitution is paid through the Clerk of Court, and you should maintain a current mailing address with that office.

Upon release, _____ will be advised to report to the probation office in _____ County. At that time, a Probation Agent will be assigned to supervise compliance with the rules, regulations and conditions of probation. Failure to comply with the conditions could result in _____ being returned to the South Carolina Department of Corrections.

If you have any questions or concerns, please feel free to telephone me at 1-803-737-9313. During non-office hours, you may have me paged for emergencies through Central Control by dialing 1-803-737-1990.

Sincerely,

Barbara W. Grissom
Victim/Witness Liaison

ck

H-63



CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5363

Chapter 93, Laws of 1991

52nd Legislature
1991 Regular Session

EFFECTIVE DATE: May 9, 1991

Passed by the Senate April 22, 1991
Yeas 45 Nays 0

Paul Hutchins
President of the Senate

Passed by the House April 11, 1991
Yeas 95 Nays 0

Jim Kiehl
Speaker of the House of Representatives

Approved May 9, 1991

Frank M. Robinson
Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE SENATE BILL 5363 as passed by the Senate and the House of Representatives on the dates hereon set forth.

Gordon Golob
Secretary

FILED
FILED

MAY 9 1991

DEPARTMENT OF STATE
11:29 am
Secretary of State
State of Washington

ENGROSSED SUBSTITUTE SENATE BILL 5363
AS AMENDED BY THE HOUSE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, Rasmussen, Nelson, Newhouse, Hayner, Madsen, A. Smith, Erwin and L. Kreidler; by request of Department of Corrections).

Read first time March 5, 1991.

- 1 AN ACT Relating to legal financial obligations; amending RCW
- 2 9.94A.145; adding new sections to chapter 9.94A RCW; creating new
- 3 sections; prescribing penalties; and declaring an emergency.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 5 NEW SECTION. Sec. 1. "EARNINGS," "DISPOSABLE EARNINGS," AND
- 6 "OBLIGEE" DEFINED. As used in this chapter, the term "earnings" means
- 7 compensation paid or payable for personal services, whether denominated
- 8 as wages, salary, commission, hours, or otherwise, and notwithstanding
- 9 any other provision of law making such payments exempt from
- 10 garnishment, attachment, or other process to satisfy court-ordered
- 11 legal financial obligations, specifically includes periodic payments
- 12 pursuant to pension or retirement programs, or insurance policies of
- 13 any type. Earnings shall specifically include all gain derived from
- 14 capital, from labor, or, from both, not including profit gained through

Appendix H : Revised Code of Washington (State Statutes) Regarding Restitution Setting and Collection

1 sale or conversion of capital assets. The term "disposable earnings"
2 means that part of the earnings of any individual remaining after the
3 deduction from those earnings of any amount required by law to be
4 withheld. The term "obligee" means the department, party, or entity
5 to whom the legal financial obligation is owed, or the department,
6 party, or entity to whom the right to receive or collect support has
7 been assigned.

8 Sec. 2. RCW 9.94A.145 and 1989 c 252 s 3 are each amended to read
9 as follows:

10 (1) Whenever a person is convicted of a felony, the court may order
11 the payment of a legal financial obligation as part of the sentence.
12 The court must on either the judgment and sentence or on a subsequent
13 order to pay, designate the total amount of a legal financial
14 obligation and segregate this amount among the separate assessments
15 made for restitution, costs, fines, and other assessments
16 required by law. On the same order, the court is also to set a sum
17 that the offender is required to pay on a monthly basis towards
18 satisfying the legal financial obligation. If the court fails to set
19 the offender monthly payment amount, the department shall set the
20 amount. Upon receipt of an offender's monthly payment, after
21 restitution is satisfied, the county clerk shall distribute the payment
22 proportionally among all other fines, costs, and assessments imposed,
23 unless otherwise ordered by the court.

24 (2) If the court determines that the offender, at the time of
25 sentencing, has the means to pay for the cost of incarceration, the
26 court may require the offender to pay for the cost of incarceration at
27 a rate of fifty dollars per day of incarceration. Payment of other
28 court-ordered financial obligations, including all legal financial
29 obligations and costs of supervision shall take precedence over the

1 payment of the cost of incarceration ordered by the court. All funds
2 recovered from offenders for the cost of incarceration in the county
3 jail shall be remitted to the county and the costs of incarceration in
4 a prison shall be remitted to the department of corrections.

5 (3) The court may add to the judgment and sentence or subsequent
6 order to pay a statement that a notice of payroll deduction is to be
7 immediately issued. If the court chooses not to order the immediate
8 issuance of a notice of payroll deduction at sentencing, the court
9 shall add to the judgment and sentence or subsequent order to pay a
10 statement that a notice of payroll deduction may be issued or other
11 income-withholding action may be taken, without further notice to the
12 offender if a monthly court-ordered legal financial obligation payment
13 is not paid when due, and an amount equal to or greater than the amount
14 payable for one month is owed.

15 If a judgment and sentence or subsequent order to pay does not
16 include the statement that a notice of payroll deduction may be issued
17 or other income-withholding action may be taken if a monthly legal
18 financial obligation payment is past due, the department may serve a
19 notice on the offender stating such requirements and authorizations.
20 Service shall be by personal service or any form of mail requiring a
21 return receipt.

22 (4) All legal financial obligations that are ordered as a result
23 of a conviction for a felony, may also be enforced in the same manner
24 as a judgment in a civil action by the party or entity to whom the
25 legal financial obligation is owed. These obligations may be enforced
26 at any time during the ten-year period following the offender's release
27 from total confinement or within ten years of entry of the judgment and
28 sentence, whichever period is longer. Independent of the department,
29 the party or entity to whom the legal financial obligation is owed

1 shall have the authority to utilize any other remedies available to the
2 party or entity to collect the legal financial obligation.

3 ((+3)) (5) In order to assist the court in setting a monthly sum
4 that the offender must pay during the period of supervision, the
5 offender is required to report to the department for purposes of
6 preparing a recommendation to the court. When reporting, the offender
7 is required, under oath, to truthfully and honestly respond to all
8 questions concerning present, past, and future earning capabilities and
9 the location and nature of all property or financial assets. The
10 offender is further required to bring any and all documents as
11 requested by the department.

12 ((+4)) (6) After completing the investigation, the department
13 shall make a report to the court on the amount of the monthly payment
14 that the offender should be required to make towards a satisfied legal
15 financial obligation.

16 ((+5)) (7) During the period of supervision, the department may
17 make a recommendation to the court that the offender's monthly payment
18 schedule be modified so as to reflect a change in financial
19 circumstances. If the department sets the monthly payment amount, the
20 department may modify the monthly payment amount without the matter
21 being returned to the court. Also, during the period of supervision,
22 the offender may be required at the request of the department to report
23 to the department for the purposes of reviewing the appropriateness of
24 the collection schedule for the legal financial obligation. During this
25 reporting, the offender is required under oath to truthfully and
26 honestly respond to all questions concerning earning capabilities and
27 the location and nature of all property or financial assets. Also, the
28 offender is required to bring any and all documents as requested by the
29 department in order to prepare the collection schedule.

1 ((+6)) (8) After the judgment and sentence or payment order is
2 entered, the department shall for any period of supervision be
3 authorized to collect the legal financial obligation from the offender.
4 Any amount collected by the department shall be remitted daily to the
5 county clerk for the purposes of disbursements. The department is
6 authorized to accept credit cards as payment for a legal financial
7 obligation, and any costs incurred related to accepting credit card
8 payments shall be the responsibility of the offender.

9 ((+7)) (9) The department or any obligee of the legal financial
10 obligation may seek a mandatory wage assignment for the purposes of
11 obtaining satisfaction for the legal financial obligation pursuant to
12 RCW 9.94A.2001.

13 ((+8)) (10) The requirement that the offender pay a monthly sum
14 towards a legal financial obligation constitutes a condition ~~((and term~~
15 ~~of community supervision))~~ or requirement of a sentence and the
16 offender is subject to the penalties as provided in RCW 9.94A.200 for
17 noncompliance.

18 ((+9)) (11) The county clerk shall provide the department with
19 individualized monthly billings for each offender with an unsatisfied
20 legal financial obligation and shall provide the department with
21 ~~((written))~~ notice of payments by such offenders no less frequently
22 than weekly.

23 NEW SECTION. Sec. 3. LEGAL FINANCIAL OBLIGATION--NOTICE OF
24 PAYROLL DEDUCTION--ISSUANCE AND CONTENT. (1) The department may issue
25 a notice of payroll deduction in a criminal action if:

- 26 (a) The court at sentencing orders its immediate issuance; or
- 27 (b) The offender is more than thirty days past due in monthly
- 28 payments in an amount equal to or greater than the amount payable for
- 29 one month, provided:

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1 (i) The judgment and sentence or subsequent order to pay contains
2 a statement that a notice of payroll deduction may be issued without
3 further notice to the offender; or

4 (ii) The department has served a notice on the offender stating
5 such requirements and authorization. Service of such notice shall be
6 made by personal service or any form of mail requiring a return
7 receipt.

8 (2) The notice of payroll deduction is to be in writing and
9 include:

0 (a) The name, social security number, and identifying court case
1 number of the offender/employee;

2 (b) The amount to be deducted from the offender/employee's
3 disposable earnings each month, or alternative amounts and frequencies
4 as may be necessary to facilitate processing of the payroll deduction
5 by the employer;

6 (c) A statement that the total amount withheld on all payroll
7 deduction notices for payment of court-ordered legal financial
8 obligations combined shall not exceed twenty-five percent of the
9 offender/employee's disposable earnings; and

0 (d) The address to which the payments are to be mailed or
1 delivered.

2 (3) An informational copy of the notice of payroll deduction shall
3 be mailed to the offender's last known address by regular mail or shall
4 be personally served.

5 (4) Neither the department nor any agents of the department shall
6 be held liable for actions taken under RCW 9.94A.145 and sections 1 and
7 3 through 11 of this act.

8 NEW SECTION. Sec. 4. LEGAL FINANCIAL OBLIGATIONS--NOTICE OF
9 PAYROLL DEDUCTION--AMOUNTS TO BE WITHHELD. (1) The total amount to be

1 withheld from the offender/employee's earnings each month, or from each
2 earnings disbursement, shall not exceed twenty-five percent of the
3 disposable earnings of the offender.

4 (2) If the offender is subject to two or more notices of payroll
5 deduction for payment of a court-ordered legal financial obligation
6 from different obligees, the employer or entity shall, if the nonexempt
7 portion of the offender's earnings is not sufficient to respond fully
8 to all notices of payroll deduction, apportion the offender's nonexempt
9 disposable earnings between or among the various obligees equally.

10 NEW SECTION. Sec. 5. LEGAL FINANCIAL OBLIGATIONS--NOTICE OF
11 PAYROLL DEDUCTION--EMPLOYER OR ENTITY RESPONSIBILITIES. (1) An
12 employer or entity upon whom a notice of payroll deduction is served,
13 shall make an answer to the department within twenty days after the
14 date of service. The answer shall confirm compliance and institution
15 of the payroll deduction or explain the circumstances if no payroll
16 deduction is in effect. The answer shall also state whether the
17 offender is employed by or receives earnings from the employer or
18 entity, whether the employer or entity anticipates paying earnings, and
19 the amount of earnings. If the offender is no longer employed, or
20 receiving earnings from the employer or entity, the answer shall state
21 the present employer or entity's name and address, if known.

22 (2) Service of a notice of payroll deduction upon an employer or
23 entity requires an employer or entity to immediately make a mandatory
24 payroll deduction from the offender/employee's unpaid disposable
25 earnings. The employer or entity shall thereafter at each pay period
26 deduct the amount stated in the notice divided by the number of pay
27 periods per month. The employer or entity must remit the proper amounts
28 to the appropriate clerk of the court on each date the
29 offender/employee is due to be paid.

1 (3) The employer or entity may combine amounts withheld from the
2 earnings of more than one employee in a single payment to the clerk of
3 the court, listing separately the amount of the payment that is
4 attributable to each individual employee.

5 (4) The employer or entity may deduct a processing fee from the
6 remainder of the employee's earnings after withholding under the notice
7 of payroll deduction, even if the remainder is exempt under section 11
8 of this act. The processing fee may not exceed:

9 (a) Ten dollars for the first disbursement made by the employer to
0 the clerk of the court; and

1 (b) One dollar for each subsequent disbursement made under the
2 notice of payroll deduction.

3 (5) The notice of payroll deduction shall remain in effect until
4 released by the department or the court enters an order terminating
5 the notice.

6 (6) An employer shall be liable to the obligee for the amount of
7 court-ordered legal financial obligation moneys that should have been
8 withheld from the offender/employee's earnings, if the employer:

9 (a) Fails or refuses, after being served with a notice of payroll
0 deduction, to deduct and promptly remit from unpaid earnings the
1 amounts of money required in the notice; or

2 (b) Fails or refuses to submit an answer to the notice of payroll
3 deduction after being served. In such cases, liability may be
4 established in superior court. Awards in superior court shall include
5 costs, interest under RCW 19.52.020 and 4.56.110, reasonable attorney
6 fees, and staff costs as part of the award.

7 (7) No employer who complies with a notice of payroll deduction
8 under this chapter may be liable to the employee for wrongful
9 withholding.

1 (8) No employer may discipline or discharge an employee or refuse
2 to hire a person by reason of an action authorized in this chapter.
3 If an employer disciplines or discharges an employee or refuses to hire
4 a person in violation of this section, the employee or person shall
5 have a cause of action against the employer. The employer shall be
6 liable for double the amount of lost wages and any other damages
7 suffered as a result of the violation and for costs and reasonable
8 attorney fees, and shall be subject to a civil penalty of not more than
9 two thousand five hundred dollars for each violation. The employer may
10 also be ordered to hire, rehire, or reinstate the aggrieved individual.

11 NEW SECTION. Sec. 6. MOTION TO QUASH, MODIFY, OR TERMINATE
12 PAYROLL DEDUCTION--GROUNDS FOR RELIEF. (1) The offender subject to a
13 payroll deduction under this chapter, may file a motion in superior
14 court to quash, modify, or terminate the payroll deduction. The court
15 may grant relief if:

16 (a) It is demonstrated that the payroll deduction causes extreme
17 hardship or substantial injustice; or

18 (b) In cases where the court did not immediately order the issuance
19 of a notice of payroll deduction at sentencing, that a court-ordered
20 legal financial obligation payment was not more than thirty days past
21 due in an amount equal to or greater than the amount payable for one
22 month.

23 (2) Satisfaction by the offender of all past-due payments
24 subsequent to the issuance of the notice of payroll deduction is not
25 grounds to quash, modify, or terminate the notice of payroll deduction.
26 If a notice of payroll deduction has been in operation for twelve
27 consecutive months and the offender's payment towards a court-ordered
28 legal financial obligation is current, upon motion of the offender, the
29 court may order the department to terminate the payroll deduction.

1 unless the department can show good cause as to why the notice of
2 payroll deduction should remain in effect.

3 NEW SECTION. Sec. 7. LEGAL FINANCIAL OBLIGATIONS--ORDER TO
4 WITHHOLD AND DELIVER--ISSUE AND CONTENTS. (1) The department may issue
5 to any person or entity an order to withhold and deliver property of
6 any kind, including but not restricted to, earnings that are due,
7 owing, or belonging to the offender, if the department has reason to
8 believe that there is in the possession of such person or entity,
9 property that is due, owing, or belonging to the offender. Such order
10 to withhold and deliver may be issued when a court-ordered legal
11 financial obligation payment is past due:

12 (a) If an offender's judgment and sentence or a subsequent order
13 to pay includes a statement that other income-withholding action under
14 this chapter may be taken without further notice to the offender.

15 (b) If a judgment and sentence or a subsequent order to pay does
16 not include the statement that other income-withholding action under
17 this chapter may be taken without further notice to the offender but
18 the department has served a notice on the offender stating such
19 requirements and authorizations. The service shall have been made by
20 personal service or any form of mail requiring a return receipt.

21 (2) The order to withhold and deliver shall:

22 (a) Include the amount of the court-ordered legal financial
23 obligation;

24 (b) Contain a summary of moneys that may be exempt from the order
25 to withhold and deliver and a summary of the civil liability upon
26 failure to comply with the order; and

27 (c) Be served by personal service or by any form of mail requiring
28 a return receipt.

1 (3) The department shall also, on or before the date of service of
2 the order to withhold and deliver, mail or cause to be mailed by any
3 form of mail requiring a return receipt, a copy of the order to
4 withhold and deliver to the offender at the offender's last known post
5 office address, or, in the alternative, a copy of the order shall be
6 personally served on the offender on or before the date of service of
7 the order or within two days thereafter. The copy of the order shall
8 be mailed or served together with an explanation of the right to
9 petition for judicial review. If the copy is not mailed or served as
10 this section provides, or if any irregularity appears with respect to
11 the mailing or service, the superior court, in its discretion on motion
12 of the offender promptly made and supported by affidavit showing that
13 the offender has suffered substantial injury due to the failure to mail
14 the copy, may set aside the order to withhold and deliver.

15 NEW SECTION. Sec. 8. LEGAL FINANCIAL OBLIGATIONS--ORDER TO
16 WITHHOLD AND DELIVER--DUTIES OF PERSON OR ENTITY SERVED. (1) A person
17 or entity upon whom service has been made is hereby required to:

18 (a) Answer the order to withhold and deliver within twenty days,
19 exclusive of the day of service, under oath and in writing, and shall
20 make true answers to the matters inquired of in the order; and

21 (b) Provide further and additional answers when requested by the
22 department.

23 (2) Any person or entity in possession of any property that may be
24 subject to the order to withhold and deliver shall:

25 (a)(i) Immediately withhold such property upon receipt of the order
26 to withhold and deliver;

27 (ii) Deliver the property to the appropriate clerk of the court as
28 soon as the twenty-day answer period expires;

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1 (iii) Continue to withhold earnings payable to the offender at each
2 succeeding disbursement interval and deliver amounts withheld from
3 earnings to the appropriate clerk of the court within ten days of the
4 date earnings are payable to the offender;

5 (iv) Inform the department of the date the amounts were withheld
6 as requested under this section; or

7 (b) Furnish the appropriate clerk of the court a good and
8 sufficient bond, satisfactory to the clerk, conditioned upon final
9 determination of liability.

10 (3) Where money is due and owing under any contract of employment,
11 expressed or implied, or is held by any person or entity subject to
12 withdrawal by the offender, the money shall be delivered by remittance
13 payable to the order of the appropriate clerk of the court.

14 (4) Delivery to the appropriate clerk of the court of the money or
15 other property held or claimed shall satisfy the requirement and serve
16 as full acquittance of the order to withhold and deliver.

17 (5) The person or entity required to withhold and deliver the
18 earnings of a debtor under this action may deduct a processing fee from
19 the remainder of the offender's earnings, even if the remainder would
20 otherwise be exempt under section 11 of this act. The processing fee
21 may not exceed:

22 (a) Ten dollars for the first disbursement to the appropriate clerk
23 of the court; and

24 (b) One dollar for each subsequent disbursement.

25 (6) A person or entity shall be liable to the obligee in an amount
26 equal to one hundred percent of the value of the court-ordered legal
27 financial obligation that is the basis of the order to withhold and
28 deliver, or the amount that should have been withheld, whichever amount
29 is less, together with costs, interest, and reasonable attorneys' fees

1 if that person or entity fails or refuses to deliver property under the
2 order.

3 The department is authorized to issue a notice of debt pursuant to
4 and to take appropriate action to collect the debt under this chapter
5 if a judgment has been entered as the result of an action by the court
6 against a person or entity based on a violation of this section.

7 (7) Persons or entities delivering money or property to the
8 appropriate clerk of the court under this chapter shall not be held
9 liable for wrongful delivery.

10 (8) Persons or entities withholding money or property under this
11 chapter shall not be held liable for wrongful withholding.

12 NEW SECTION. Sec. 9. LEGAL FINANCIAL OBLIGATIONS--BANKS, SAVINGS
13 AND LOAN ASSOCIATIONS, CREDIT UNIONS--SERVICE ON MAIN OFFICE OR BRANCH,
14 EFFECT--COLLECTION ACTIONS AGAINST COMMUNITY BANK ACCOUNT, RIGHT TO
15 COURT HEARING. An order to withhold and deliver or any other income-
16 withholding action authorized by this chapter may be served on the main
17 office of a bank, savings and loan association, or credit union or on
18 a branch office of the financial institution. Service on the main
19 office shall be effective to attach the deposits of an offender in the
20 financial institution and compensation payable for personal services
21 due the offender from the financial institution. Service on a branch
22 office shall be effective to attach the deposits, accounts, credits,
23 or other personal property of the offender, excluding compensation
24 payable for personal services, in the possession or control of the
25 particular branch served.

26 Notwithstanding any other provision of this act, if the department
27 initiates collection action against a joint bank account, with or
28 without the right of survivorship, or any other funds which are subject
29 to the community property laws of this state, notice shall be given to

1 all affected parties that the account or funds are subject to potential
2 withholding. Such notice shall be by first class mail, return receipt
3 required, or by personal service and be given at least twenty calendar
4 days before withholding is made. Upon receipt of such notice, the
5 nonobligated person shall have ten calendar days to file a petition
6 with the department contesting the withholding of his or her interest
7 in the account or funds. The department shall provide notice of the
8 right of the filing of the petition with the notice provided in this
9 paragraph. If the petition is not filed within the period provided for
10 herein, the department is authorized to proceed with the collection
11 action.

NEW SECTION. Sec. 10. LEGAL FINANCIAL OBLIGATIONS--NOTICE OF
DEBT--SERVICE OR MAILING--CONTENTS--ACTION ON, WHEN. (1) The
department may issue a notice of debt in order to enforce and collect
a court-ordered legal financial obligation debt through either a notice
of payroll deduction or an order to withhold and deliver.

(2) The notice of debt may be personally served upon the offender
or be mailed to the offender at his or her last known address by any
form of mail requiring a return receipt, demanding payment within
twenty days of the date of receipt.

(3) The notice of debt shall include:

(a) A statement of the total court-ordered legal financial
obligation and the amount to be paid each month.

(b) A statement that earnings are subject to a notice of payroll
deduction.

(c) A statement that earnings or property, or both, are subject to
an order to withhold and deliver.

(d) A statement that the net proceeds will be applied to the
satisfaction of the court-ordered legal financial obligation.

1 (4) Action to collect a court-ordered legal financial obligation
2 by notice of payroll deduction or an order to withhold and deliver
3 shall be lawful after twenty days from the date of service upon the
4 offender or twenty days from the receipt or refusal by the offender of
5 the notice of debt.

6 (5) The notice of debt will take effect only if the offender's
7 monthly court-ordered legal financial obligation payment is not paid
8 when due, and an amount equal to or greater than the amount payable
9 for one month is owed.

10 (6) The department shall not be required to issue or serve the
11 notice of debt in order to enforce and collect a court-ordered legal
12 financial obligation debt through either a notice of payroll deduction
13 or an order to withhold and deliver if either the offender's judgment
14 and sentence or a subsequent order to pay includes a statement that
15 income-withholding action under this chapter may be taken without
16 further notice to the offender.

17 NEW SECTION. Sec. 11. LEGAL FINANCIAL OBLIGATIONS--CERTAIN AMOUNT
18 OF EARNINGS EXEMPT FROM NOTICE OF PAYROLL DEDUCTION OR ORDER TO
19 WITHHOLD AND DELIVER. Whenever a notice of payroll deduction or order
20 to withhold and deliver is served upon a person or entity asserting a
21 court-ordered legal financial obligation debt against earnings and
22 there is in the possession of the person or entity any of the earnings,
23 RCW 6.27.150 shall not apply, but seventy-five percent of the
24 disposable earnings shall be exempt and may be disbursed to the
25 offender whether such earnings are paid, or to be paid weekly, monthly,
26 or at other intervals and whether there is due the offender earnings
27 for one week or for a longer period. The notice of payroll deduction
28 or order to withhold and deliver shall continue to operate and require
29 said person or entity to withhold the nonexempt portion of earnings,

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1 at each succeeding earnings disbursement interval until the entire
2 amount of the court-ordered legal financial obligation debt has been
3 withheld.

4 NEW SECTION. Sec. 12. Captions as used in this act constitute
5 no part of the law.

6 NEW SECTION. Sec. 13. Sections 1 and 3 through 11 of this
7 act are each added to chapter 9.94A RCW.

8 NEW SECTION. Sec. 14. The code reviser shall codify sections
9 1 and 3 through 11 of this act between RCW 9.94A.200 and 9.94A.2001.

10 NEW SECTION. Sec. 15. The provisions of this act are
11 retroactive and apply to any actions commenced but not final before
12 the effective date of this act.

13 NEW SECTION. Sec. 16. This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and shall take
16 effect immediately.

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Appendix I : Washington DOC Division Policies Relative to
Monitoring Financial Obligations

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
DIVISION OF COMMUNITY CORRECTIONS

**DIVISION
DIRECTIVE**

NUMBER	DIR --720-F
EFFECTIVE DATE	August 1, 1990

TITLE **MONITORING OF FINANCIAL OBLIGATIONS**

Page 1 of 2

- AUTHORITY:** RCW 9.94A, DOC Policy 100.00.
- PURPOSE:** To provide for consistent monitoring of financial obligations.
- APPLICABILITY:** Division of Community Corrections.
- DIRECTIVE:** The CCO is to monitor the offender's payment of all Court/Board- ordered financial obligations. SRA financial obligations shall be monitored for up to ten years from the date of sentence or date of release from confinement pursuant to the felony conviction.
- A. Supervision fees will be assessed only during the period of community supervision, community placement, or parole. Collection of supervision fees will be monitored the same as any other legal financial obligation.
1. Only the Court/Board can waive supervision fees based upon any of the following factors:
 - a. The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.
 - b. The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.
 - c. The offender has an employment handicap, as determined by an examination acceptable to or ordered by the Court/Board.
 - d. The offender's age prevents him from obtaining employment.
 - e. The offender is responsible for the support of dependents and the payment of the fees constitutes an undue hardship on the offender.
 - f. Other extenuating circumstances as determined by the Court/Board.
- NOTE:** A CCO may grant a temporary deferment to offenders if one of the above factors exists, pending review by the court. The deferment delays collection, but does not reduce the amount of supervision fees owed.
- B. In the absence of a Court-ordered payment plan for offenders sentenced prior to July 1, 1990, the CCO is to establish a regular payment schedule using the appropriate form (EX 501A-F or 501B-F) and submit a copy to CRM. For offenders committed after July 1, 1990, where the court, at sentencing, did not establish a payment plan, the CCO is to submit a special report to the court recommending a payment plan.
1. In the case of multiple causes, the CCO is to instruct the offender to pay on each cause each month.
- C. The CCO is to submit a Special Report Requesting Modification when:
1. There is a major change in an offender's financial status, either an ability to pay more money each month toward court financial obligations or an inability to meet the court-ordered payment schedule. **If the inability to pay places the offender in violation, a request for modification of payment schedule is to be done via a Notice of Violation Report.**

DIVISION
DIRECTIVE

NUMBER	DIR - 720-F
EFFECTIVE DATE	August 1, 1990

TITLE **MONITORING OF COURT-ORDERED FINANCIAL OBLIGATIONS**

Page 2 of 2

2. The CCO becomes aware of additional restitution information after the sentencing.
3. The Court order specifies that restitution "is to be determined," but it has not been ordered 90 days after sentencing.

NOTE: Cases may not be transferred to Level 6 caseloads from any other level until restitution has been ordered or the Special Report has been done.

- D. The CCO is to send copies of any Court orders modifying legal financial obligations to the designated CRM for entry into OBTS.
- E. CCO will explain the financial obligation billing program to SRA offenders and offenders owing supervision fees, at intake. The CCO is to instruct the offender to pay legal financial obligations directly to the County Clerk.
- F. The CCO is not to accept or receive LFO payments.
- G. The CCO is to monitor offender compliance with the payment schedule by reviewing offender monthly reports, receipts, and viewing the OBTS DP32 screen to verify offender payments. The CCO will verify with the county clerk the status of an offender's LFOs prior to submitting any report to the court documenting payment history. The compliance review is to occur on a regular basis:
 1. Whenever reassessed for Levels 1, 2, and 3.
 2. At six (6) month intervals, for levels 4, D, and 6.
 3. Ninety (90) days prior to the expiration of the established payment period in SRA cases.
 4. Ninety (90) days prior to the expiration of the term of probation in non- SRA cases.
- H. The CCO is to report non-compliance by submitting a Notice of Violation (DIR 902-F).

REFERENCES: DIR 230-F; DIR 500-F; DIR 715E-F; DIR 717-F

SUPERSESSION: DIR 720-F dated 1/19/89.

7/21/90
Date

Dave Savage
DAVE SAVAGE, DIRECTOR

DIVISION OF COMMUNITY CORRECTIONS

**DIVISION
DIRECTIVE**

NUMBER	PRO - 720A*
EFFECTIVE DATE	January 30, 1989

TITLE **MONITORING OF FINANCIAL OBLIGATIONS** Page 1 of 1

- ACTION BY:** **ACTION**
- CCO
1. Completes Intake per DIR-500-F.
 2. Establishes payment plan and instructs offender in payment procedure.
 - a. May provide preaddressed envelopes to facilitate payments.
 3. Reviews Monthly Reports/Receipts for payment plan compliance.
 - a. If payment made, notes payment on Financial Obligation and Community Service form (EX-720B- F) or other locally approved document, which is kept in file jacket.
 4. Regularly verifies payment of financial obligations. Verification must be documented in the file. Reports LFO payments on OBTS data entry form, if SRA case.
 5. Submits a Notice of Violation/Arrest (DIR-910-F) if non-compliance is verified.

REFERENCES: DIR 500-F, DIR 771-F, DIR 910-F, EX-500A-F; EX 720B-F

SUPERSESION: PRO-280A-F dated 4/28/88.

1/19/89
BA
[Signature]

Nancy M. Campbell
NANCY M. CAMPBELL, DIRECTOR
DIVISION OF COMMUNITY CORRECTIONS

Appendix J
Washington DOC Policy on Legal Financial Obligations
Programs in Prisons

DEPARTMENT
OF
CORRECTIONS



POLICY



POLICY NUMBER

210.070

TITLE LEGAL FINANCIAL OBLIGATIONS (LFO) PROGRAM IN PRISONS

Page 1 of 2

EFFECTIVE DATE: April 18, 1990

AUTHORITY:

Chapter 72.11 RCW

PURPOSE:

To provide for the payment of Legal Financial Obligations (LFO) and to provide financial stability for Department of Corrections (DOC) prison inmates.

APPLICABILITY:

All divisions and units within the department.

POLICY:

All inmates under the jurisdiction of the Division of Prisons (DOP), Department of Corrections (DOC), state of Washington shall participate in the LFO program in prisons with the following requirements:

- A. A Mandatory Savings Account (MSA) shall be established for all inmates within the jurisdiction of the DOP under the following conditions:
1. The amount to be saved for each inmate shall be two hundred fifty dollars (\$250.00).
 2. To obtain the amount to be saved, ten percent (10%) or one dollar (\$1.00), whichever is greater, shall be deducted from each deposit to an inmate's Resident Trust Fund account and placed in MSA for that inmate.
 3. After two hundred fifty dollars (\$250.00) is attained the ten percent (10%) deduction shall be used for LFO per Paragraph B.1.
 4. The purpose of MSA is to provide the inmate with funds upon release or transfer from DOP. Other uses, procedures, policies, or directives for MSA shall be in accordance with the departmental committee established in Paragraph C of this policy.
- B. The level of indigency for the purpose of remitting LFO payments shall be zero and any deposit made to an inmate's Resident Trust Fund account shall therefore be subject to deductions for LFO under the following conditions:
1. If an inmate's MSA has reached the desired goal identified in Paragraph A of this policy, then twenty percent (20%) or two dollars (\$2.00), whichever is greater, shall be deducted and sent to the appropriate county court clerk in accordance with LFO requirements and with directives issued by the Division of Management and Budget (DMB) or
 2. In addition to the 10% (\$1.00) placed in the MSA, if the inmate's MSA goal has not been obtained then another ten percent (10%) or one dollar (\$1.00), whichever is greater, shall be deducted and sent to county court clerk per Paragraph B.1.
 3. For any single deposit of \$1,000 or more, the amount over \$1,000 may be taken in its entirety up to the amount of the LFO obligations.
- C. The Inmate Fund Steering Committee (IFSC) shall provide the recommendations for the implementation of this policy and other areas relating to inmate funds, accounting requirements, Inmate Banking System, and other areas as assigned.



POLICY



TITLE

LEGAL FINANCIAL OBLIGATIONS (LFO) PROGRAM IN PRISONS

Page 3 of 3

- D. This policy will not affect inmates employed in the Class I program as defined by RCW 72.09.100, and DOC Policy 550.060, except to provide a uniform mechanism to remit LFO payments and accounting requirements.
- E. Nothing in this policy would preclude an inmate from voluntarily paying more to satisfy their LFO requirements.
- F. This policy is not subject to the grievance process per DOC Policy 550.100

REFERENCES:

RCW 72.01.300, 72.09.100, 72.11.010 thru 72.11.040

DOC Policy 550.060 (August 6, 1988)

DOC Policy 550.100 (April 15, 1989)

SUPERSESION:

This policy takes preference over requirements in Policy Directives Numbers 210.005, 210.009, and 210.010

Chase Riveland, Secretary

April 18, 1990

Date

Appendix K
Washington DOC Division Directives on Wage Assignments

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
DIVISION OF COMMUNITY CORRECTIONS

**DIVISION
DIRECTIVE**

NUMBER	DIR 721-F
EFFECTIVE DATE	October 1, 1990

TITLE **WAGE ASSIGNMENT**

Page 1 of 1

AUTHORITY: RCW 9.94A, DOC Policy 100.100

PURPOSE: To provide standard guidelines for the use of wage assignments for offenders who commit a felony-level crime on or after July 1, 1990.

APPLICABILITY: Division of Community Corrections

DEFINITIONS: *Wage Assignment*--An automatic routine transfer of a portion of an individual's wages by an employer to the Clerk of the Court to satisfy a court-ordered financial obligation.

DIRECTIVE: CCOs are to consider pursuing the wage assignment process to enforce collection of legal financial obligations for eligible offenders.

A. A Wage Assignment Order may be pursued as a means to enforce collection of legal financial obligations for felony-level crimes committed on or after July 1, 1990.

1. A Petition for Mandatory Wage Assignment (EX 721B-F) may be filed when an offender is more than thirty days past-due in monthly payments in an amount equal to or greater than the amount payable for one month.
2. The filing of a Petition for Mandatory Wage Assignment is to be filed in addition to a Notice of Violation, not as a substitute for a Notice of Violation.

B. Once a Wage Assignment Order has been entered by the court, it remains in effect until the court enters a termination of the Wage Assignment Order.

1. The court may quash, modify, or terminate a Wage Assignment Order only upon showing the Wage Assignment Order causes extreme hardship or substantial injustice or that all court ordered financial obligations have been paid in full. An offender's satisfaction of all past-due payments following the issuance of a Wage Assignment Order is not grounds to quash, modify or terminate the Wage Assignment Order.
2. If a Wage Assignment Order has been in effect twelve consecutive months and the offender's payment toward a court-ordered legal financial obligation is current, the court may terminate the order upon motion of the offender unless DOC can show good cause as to why the Wage Assignment Order should remain in effect.

REFERENCE: RCW 9.94A, DIR 900-F

SUPERSESION: None

10/1/90
Date

Dave Savage
DAVE SAVAGE, DIRECTOR

DIVISION OF COMMUNITY CORRECTIONS

**DIVISION
DIRECTIVE**

NUMBER	PRO 721A-F
EFFECTIVE DATE	October 1, 1990

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WAGE ASSIGNMENTS

Page 1 of 2

- | ACTION BY: | ACTION |
|---------------|--|
| CCO | <ol style="list-style-type: none">1. Reviews offender file for compliance with LFO payment schedule.2. Verifies with the County Clerk's Office the offender is more than thirty days past due in monthly payments in an amount equal to or greater than the amount payable for one month.3. Prepares draft Petition for Mandatory Wage Assignment (EX 721B-F), Wage Assignment Order (EX 721C-F) and Answer to Wage Assignment Order (EX 721D-F); submits to support staff for typing. |
| Support Staff | <ol style="list-style-type: none">4. Types, proofreads, and corrects forms; returns to CCO for review. |
| CCO | <ol style="list-style-type: none">5. Reviews forms for accuracy.<ol style="list-style-type: none">a. Returns forms to support staff for any needed corrections.6. Personally serves the offender with a copy of the Petition for Mandatory Wage Assignment at least fifteen days prior to the filing of a mandatory wage assignment, unless the Judgment and Sentence or the order for payment states that DOC may seek a mandatory wage assignment without notice to the offender.<ol style="list-style-type: none">a. Documents date, time and location of service on the offender case file chronological record sheet.<p><i>NOTE: Level 6 CCOs may utilize Court liaison officers in the appropriate county when attempting service of out of county offenders.</i></p>7. Fifteen days following service of the Petition for Mandatory Wage Assignment on the offender, if required, the Petition for Mandatory Wage Assignment, the Wage Assignment Order and the Answer to Wage Assignment Order are to be returned to support staff for copying and distribution. |
| Support Staff | <ol style="list-style-type: none">8. Copies the Petition for Mandatory Wage Assignment, the Wage Assignment Order and the Answer to the Wage Assignment Order.<ol style="list-style-type: none">a. Attaches a copy of the Judgment and Sentence or other payment order to the Petition for Mandatory Wage Assignment.9. Distributes copies of wage assignment forms.<ol style="list-style-type: none">a. Originals to courtb. Copy to prosecuting attorneyc. Copy to offender filed. Other copies per local practice |
| CCO | <ol style="list-style-type: none">10. Receives copy of signed Wage Assignment Order from the court.11. Submits the signed Wage Assignment forms to support staff for copying. |

DIVISION DIRECTIVE

NUMBER	PRO 721A-F
EFFECTIVE DATE	October 1, 1990

TITLE

WAGE ASSIGNMENTS

Page 2 of 2

ACTION BY:

ACTION

Support Staff

12. Prepares a wage assignment process employer packet for the CCO, to include:
- a. Two copies of the signed Wage Assignment Order (one copy to be retained by employer, one copy to be given by employer to the offender).
 - b. Five copies of the Wage Assignment Answer form, together with stamped envelopes addressed to the Clerk of the Court where the order was issued, the respective prosecuting attorney, the DOC office out of which the offender is supervised, and the offender.
 - c. One copy of the Employer Responsibilities Regarding Offender Wage Assignments (EX 721E-F).

CCO

13. Personally serves offender's employer with the wage assignment process employer packet.
- a. Documents the date, time and location of service in the offender case file chronological record sheet.
NOTE: Level 6 CCOs may utilize Court liaison officers in the appropriate county when attempting service of out of county employers.
14. Personally serves offender with a copy of the Wage Assignment Order, or leaves a copy at his permanent residence with an adult with whom the offender resides, on, before or within two days after the date of service of the order on the employer.
- a. Documents the date, time, location of service, and to whom service was made in the offender case file chronological record sheet.
NOTE: Level 6 CCOs may utilize Court liaison officers in the appropriate county when attempting service of out of county offenders.
15. Provides the employer with a copy of any modifications to the Wage Assignment Order within five (5) working days.
- a. Documents the date, time and method of service in the offender case file chronological record sheet.
16. Immediately following verification of an offender's completion of payment of all court ordered legal financial obligations, requests the court to enter a termination of wage assignment order via a Special Report.
17. Provides the employer with a copy of the order terminating a wage assignment order.

REFERENCES:

SUPERSESSON:

10/1/90
Date

DAVE SAVAGE

DAVE SAVAGE, DIRECTOR
DIVISION OF COMMUNITY CORRECTIONS

DIVISION DIRECTIVE

NUMBER	EX 721B-F
EFFECTIVE DATE	October 1, 1990

TITLE

PETITION FOR MANDATORY WAGE ASSIGNMENT - DOC 9-42

Page 1 of 2

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR _____ COUNTY

STATE OF WASHINGTON,)

Plaintiff)

v.)

Defendant-Obligor)

Employer)

No. _____

PETITION FOR MANDATORY WAGE ASSIGNMENT

COMES NOW the Secretary of the Washington State Department of Corrections by and through his designee _____ and petitions this Court for a mandatory wage assignment in the above-named criminal action, pursuant to RCW 9.94A.2001-.2009.

The following facts are submitted in support of this petition:

- (1) The Defendant-Obligor _____ (hereinafter referred to as "Obligor") whose last known address is _____, is more than thirty days past due in payments of his/her court-ordered legal financial obligations in this case in an amount equal to or greater than the amount payable for one month.
- (2) That by this Court's judgment and sentence, Obligor is required to pay a legal financial obligation in this case in the total amount of \$ _____ per month; that the total amount remaining to be paid on Obligor's legal financial obligation is \$ _____, and that at the time of the execution of this petition, Obligor is \$ _____ in arrears.
- (3) That Obligor is employed by _____ whose address is _____.
- (4) (a) That Obligor has been notified by personal service at least fifteen days prior to the filing of this petition:

OR

- (b) That Obligor's judgment and sentence states that the Washington State Department of Corrections or an Obligee may seek a mandatory wage assignment without notice to the Obligor.

PETITION FOR MANDATORY WAGE ASSIGNMENT

(DOC 9-42 (9-90))

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
DIVISION OF COMMUNITY CORRECTIONS

DIVISION DIRECTIVE

NUMBER	EX 721B-F
EFFECTIVE DATE	October 1, 1990

TITLE

PETITION FOR MANDATORY WAGE ASSIGNMENT - DOC 9-42

Page 2 of 2

(5) Wherefore petitioner prays that this Court order a mandatory wage assignment in the amount of \$ _____ per month, plus \$ _____ per month payment toward arrearage until said arrearages are paid.

I, _____ certify (or declare) under penalty of perjury under the laws of the state of Washington, that to the best of my knowledge, the foregoing is true and correct.

Date and Place

Signature

PETITION FOR MANDATORY WAGE ASSIGNMENT

DOC 9-42 (3/90)

**DIVISION
DIRECTIVE**

NUMBER	EX 721C-F
EFFECTIVE DATE	October 1, 1990

TITLE **WAGE ASSIGNMENT ORDER - DOC 9-43**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR _____ COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff)
)
 v.)
)
 _____)
 Defendant-Obligor)
)
 _____)
 Employer)
 _____)

No. _____

**WAGE ASSIGNMENT
ORDER**

The Washington State Department of Corrections claims that the above-named obligor is more than 30 days past due in legal financial obligation monthly payments in an amount equal to or greater than the amount payable for one month. The amount of the accrued legal financial obligation debt as of this date is \$ _____, the total legal financial obligation amount remaining unpaid is \$ _____, and the current and continuing legal financial obligation under the judgement and sentence or order to pay is \$ _____ per _____.

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the Clerk of the court, one copy to the Washington State Department of Corrections, one copy to the obligee's attorney, one copy to the petitioner, and one copy to the obligor within twenty days after service of this wage assignment order upon you.

If you possess any earnings due and owing to the obligor, then you shall do as follows:

- (1) Withhold from the obligor's earnings each month, or from each regular earnings disbursement, the lesser of:
 - (a) the sum of the current monthly payment (and the amount ordered to be paid toward the arrearage);
 - (b) twenty-five percent of the disposable earnings of the obligor.
- (2) If the obligor is subject to two or more attachments for payment of a court-ordered legal financial obligation and, if the non-exempt portion of the obligor's earnings is not sufficient to respond fully to all the attachments, you are to apportion the obligor's non-exempt disposable earnings (as defined by RCW 9 94A.030), between or among the various obligees equally.

WAGE ASSIGNMENT ORDER

DOC 9-43 (7990)

**DIVISION
DIRECTIVE**

NUMBER	EX 721C-F
EFFECTIVE DATE	October 1, 1990

TITLE **WAGE ASSIGNMENT ORDER - DOC 9-43**

Page 2 of 2

(3) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor.

You shall continue to withhold the ordered amounts from non-exempt earnings of the obligor until notified by the Washington State Department of Corrections that the wage assignment has been modified or terminated.

You shall promptly notify the clerk of the Court who entered the order when the employee is no longer employed by you.

You shall deliver the withheld earnings to the Clerk of the Court at each regular pay interval, but the first delivery shall occur no sooner than twenty days after your receipt of this wage assignment order.

You shall deliver a copy of the wage assignment order to the obligor as soon as reasonably possible.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED LEGAL FINANCIAL OBLIGATION DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

DATED THIS _____ day of _____, 19__

Obligee or Obligee's Attorney

Judge

WAGE ASSIGNMENT ORDER

DOC 9-43 (9-90)

**DIVISION
DIRECTIVE**

NUMBER	EX 721D-F
EFFECTIVE DATE	October 1, 1990

TITLE

ANSWER TO WAGE ASSIGNMENT ORDER - DOC 9-44

Page 1 of 1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR _____ COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff)
)
 v.)
)
 _____)
 Defendant-Obligor)
)
 _____)
 Employer)
 _____)

No. _____

**ANSWER TO
WAGE ASSIGNMENT ORDER**

1. At the time of the service of the wage assignment order on the employer, was the above-named obligor employed by or receiving earnings from the employer?
Yes _____ No _____ (Check one)
2. Are there any other wage attachments currently in effect against the obligor?
Yes _____ No _____ (Check one)
3. If the answer to question one is yes and the employer cannot comply with the wage assignment order, provide an explanation:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signature of Employer

Date and Place

Signature of Person Answering for Employer

Address for Future Notice to Employer

Connection with Employer

ANSWER TO WAGE ASSIGNMENT ORDER

DOC 9-44 (9-90)

**DIVISION
DIRECTIVE**

NUMBER

EX 721E-F

EFFECTIVE DATE

October 1, 1990

TITLE

EMPLOYER RESPONSIBILITIES REGARDING OFFENDER WAGE ASSIGNMENTS

Page 1 of 1

EMPLOYER RESPONSIBILITIES REGARDING OFFENDER WAGE ASSIGNMENTS

9.94A.2005

"(1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the offender is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple attachments against the offender.

(2) If the employer possesses any earnings due and owing to the offender, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The employer shall deliver the withheld earnings to the clerk of the court pursuant to the wage assignment order. The employer shall make the first delivery no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the offender until notified that the wage assignment has been modified or terminated. The employer shall promptly notify the clerk of the court who entered the order when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under RCW 9.94A.2003. The processing fee may not exceed: (a) Ten dollars for the first disbursement made by the employer to the clerk of the court; and (b) one dollar for each subsequent disbursement made under the wage assignment order.

(5) An employer who fails to withhold earnings as required by a wage assignment order issued under this chapter may be held liable for the amounts disbursed to the offender in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(6) No employer who complies with a wage assignment order issued under this chapter may be liable to the employee for wrongful withholding.

(7) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment order issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(8) An employer shall deliver a copy of the wage assignment order to the obligor as soon as reasonably possible."

Appendix L
Code of Washington (State Statutes) Regarding
Offenders' Responsibility for Legal Financial Obligations

Chapter 72.11

**OFFENDERS' RESPONSIBILITY FOR LEGAL
FINANCIAL OBLIGATIONS**

Sections

72.11.010	Definitions.
72.11.020	Inmate funds—Legal financial obligations—Disbursal by secretary.
72.11.030	Inmate accounts—Legal financial obligations—Priority—Deductions.
72.11.040	Cost of supervision fund.

72.11.010 Definitions. Unless a different meaning is plainly required by the context, the following words and phrases as hereafter used in this chapter shall have the following meanings:

(1) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for payment of restitution to a victim, statutorily imposed crime victims compensation fee, court costs, a county or interlocal drug fund, court-appointed attorneys' fees and costs of defense, fines, and any other legal financial obligation that is assessed as a result of a felony conviction.

(2) "Department" means the department of corrections.

(3) "Offender" means an individual who is currently under the jurisdiction of the Washington state department of corrections, and who also has a court-ordered legal financial obligation as a result of a felony conviction.

(4) "Secretary" means the secretary of the department of corrections or the secretary's designee.

(5) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections. [1989 c 252 § 22.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

72.11.020 Inmate funds—Legal financial obligations—Disbursal by secretary. The secretary shall be custodian of all funds of a convicted person that are in his or her possession upon admission to a state institution, or that are sent or brought to the person, or earned by the person while in custody, or that are forwarded to the superintendent on behalf of a convicted person. All such funds shall be deposited in the personal account of the convicted person within the institutional resident deposit account as established by the office of financial management pursuant to RCW 43.88.195, and the secretary shall have authority to disburse money from such person's personal account for the purposes of satisfying a court-ordered legal financial obligation to the court. Unless specifically granted authority herein, at no time shall the withdrawal of funds for the payment of a legal financial obligation result in reducing the inmate's account to an amount less than the defined level of indigency to be determined by the department.

Further, unless specifically altered herein, court-ordered legal financial obligations shall be paid. [1989 c 252 § 23.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

72.11.030 Inmate accounts—Legal financial obligations—Priority—Deductions. (1) Except as otherwise provided herein, all court-ordered legal financial obligations shall take priority over any other statutorily imposed mandatory withdrawals from inmate's accounts.

(2) For those inmates who are on work release pursuant to chapter 72.65 RCW, before any legal financial obligations are withdrawn from the inmate's account, the inmate is entitled to payroll deductions that are required by law, or such payroll deductions as may reasonably be required by the nature of the employment unless any such amount which his or her work release plan specifies should be retained to help meet the inmate's needs, including costs necessary for his or her participation in the work release plan such as travel, meals, clothing, tools, and other incidentals.

(3) Before the payment of any court-ordered legal financial obligation is required, the department is entitled to reimbursement for any expenses advanced for vocational training pursuant to RCW 72.65.020(2), for expenses incident to a work release plan pursuant to RCW 72.65.090, payments for board and room charges for the work release participant, and payments that are necessary for the support of the work release participant's dependents, if any. [1989 c 252 § 24.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

72.11.040 Cost of supervision fund. (Effective July 1, 1990.) The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.270 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. [1989 c 252 § 26.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

Appendix M.
Code of Washington (State Statutes) Regarding
Garnishment of Wages

Garnishment

6.27.020

6.27.080	Writ directed to financial institution—Form and service.
6.27.090	Amount garnishee required to hold.
6.27.100	Form of writ.
6.27.110	Service of writ generally—Forms—Requirements for financial institution—Return.
6.27.120	Effect of service of writ.
6.27.130	Mailing of writ and judgment or affidavit to judgment debtor—Mailing of notice and claim form if judgment debtor is an individual—Service—Return.
6.27.140	Form of returns under RCW 6.27.130.
6.27.150	Exemption of earnings—Amount.
6.27.160	Claiming exemptions—Form—Hearing—Attorney's fees—Costs—Release of funds or property.
6.27.170	Garnished employee not to be discharged—Exception.
6.27.175	Employee separated from employment due to wage garnishment not disqualified for unemployment compensation.
6.27.180	Bond to discharge writ.
6.27.190	Answer of garnishee—Contents—Forms.
6.27.200	Default judgment—Reduction upon motion of garnishee—Attorney's fee.
6.27.210	Answer of garnishee may be controverted by plaintiff or defendant.
6.27.220	Controversion—Procedure.
6.27.230	Controversion—Costs and attorney's fees.
6.27.240	Discharge of garnishee.
6.27.250	Judgment against garnishee—Procedure if debt not mature.
6.27.260	Execution on judgment against garnishee.
6.27.270	Decree directing garnishee to deliver up effects—Disposition.
6.27.280	Procedure upon failure of garnishee to deliver.
6.27.290	Similarity of names—Procedure.
6.27.300	Garnishee protected against claim of defendant.
6.27.310	Dismissal of writ after one year—Notice—Exception.
6.27.320	Dismissal of garnishment upon satisfaction of judgment from other source—Duty of plaintiff—Procedure—Penalty—Costs.
6.27.330	Continuing lien on earnings—Authorized.
6.27.340	Continuing lien on earnings—Captions—Additions to writ and answer forms.
6.27.350	Continuing lien on earnings—When lien becomes effective—Termination—Second answer.
6.27.360	Continuing lien on earnings—Priorities—Exceptions.

Rules of court: CR 64.

6.27.010 Definitions. (1) As used in this chapter, the term "earnings" means compensation paid or payable to an individual for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(2) As used in this chapter, the term "disposable earnings" means that part of earnings remaining after the deduction from those earnings of any amounts required by law to be withheld. [1987 c 442 § 1001.]

**Chapter 6.27
GARNISHMENT**

Sections	
6.27.010	Definitions.
6.27.020	Grounds for issuance of writ—Time of issuance of prejudgment writs.
6.27.030	Application of chapter to district courts.
6.27.040	State and municipal corporations subject to garnishment—Service of writ.
6.27.050	Garnishment of money held by officer—Of judgment debtor—Of personal representative.
6.27.060	Application for writ—Affidavit—Fee.
6.27.070	Issuance of writ—Form—Dating—Attestation.

6.27.020 Grounds for issuance of writ—Time of issuance of prejudgment writs. (1) The clerks of the superior courts and district courts of this state may issue writs of garnishment returnable to their respective courts for the benefit of a judgment creditor who has a judgment wholly or partially unsatisfied in the court from which the garnishment is sought.

(2) Except as otherwise provided in RCW 6.27.040 and 6.27.330, the superior courts and district courts of this state may issue prejudgment writs of garnishment to

a plaintiff at the time of commencement of an action or at any time afterward, subject to the requirements of chapter 6.26 RCW. [1987 c 442 § 1002; 1969 ex.s. c 264 § 1. Formerly RCW 7.33.010.]

Rules of court: Cf. CR 64.

6.27.030 Application of chapter to district courts. All the provisions of this chapter shall apply to proceedings before district courts of this state. [1987 c 442 § 1003; 1969 ex.s. c 264 § 2. Formerly RCW 7.33.020.]

6.27.040 State and municipal corporations subject to garnishment—Service of writ. The state of Washington, all counties, cities, towns, school districts and other municipal corporations shall be subject to garnishment after judgment has been entered in the principal action, but not before, in the superior and district courts, in the same manner and with the same effect, as provided in the case of other garnishees.

The venue of any such garnishment proceeding shall be the same as for the original action, and the writ shall be issued by the clerk of the court having jurisdiction of such original action.

The writ of garnishment shall be served in the same manner and upon the same officer as is required for service of summons upon the commencement of a civil action against the state, county, city, town, school district, or other municipal corporation, as the case may be. [1987 c 442 § 1004; 1987 c 202 § 134; 1969 ex.s. c 264 § 6. Formerly RCW 7.33.060.]

Reviser's note: This section, previously codified as RCW 7.33.060, was amended by 1987 c 202 § 134 and by 1987 c 442 § 1004, each without reference to the other. Chapter 442 also directed that RCW 7.33.060 be recodified. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Intent—1987 c 202: See note following RCW 2.04.190.

6.27.050 Garnishment of money held by officer—Of judgment debtor—Of personal representative. A sheriff or other peace officer who holds money of the defendant is subject to garnishment, excepting only for money or property taken from a person arrested by such officer, at the time of the arrest. A judgment debtor of the defendant is subject to garnishment when the judgment has not been previously assigned on the record or by writing filed in the office of the clerk of the court that entered the judgment and minuted by the clerk as an assignment in the execution docket. An executor or administrator is subject to garnishment for money due from the decedent to the defendant. [1987 c 442 § 1005; 1927 c 101 § 1; 1886 p 43 § 19; RRS § 664. Prior: Code 1881 §§ 174–192; 1877 pp 35–40; 1873 pp 43–50; 1871 pp 9, 10; 1869 pp 41–47; 1863 pp 112–120; 1860 pp 30–36; 1854 pp 155–162. Formerly RCW 7.12.180.]

6.27.060 Application for writ—Affidavit—Fee. The judgment creditor as the plaintiff or someone in the judgment creditor's behalf shall apply for a writ of garnishment by affidavit, stating the following facts: (1) The plaintiff has a judgment wholly or partially unsatisfied in the court from which the writ is sought; (2) the

amount alleged to be due under that judgment; (3) the plaintiff has reason to believe, and does believe that the garnishee, stating the garnishee's name and residence or place of business, is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law, or that the garnishee has possession or control of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law; and (4) whether or not the garnishee is the employer of the judgment debtor.

The judgment creditor shall pay to the clerk of the superior court the fee provided by RCW 36.18.020, or to the clerk of the district court the fee of two dollars. [1988 c 231 § 22. Prior: 1987 c 442 § 1006; 1987 c 202 § 133; 1981 c 193 § 3; 1977 ex.s. c 55 § 1; 1969 ex.s. c 264 § 4. Formerly RCW 7.33.040.]

Severability—1988 c 231: See note following RCW 6.01.050.

Intent—1987 c 202: See note following RCW 2.04.190.

6.27.070 Issuance of writ—Form—Dating—Attestation. When application for a writ of garnishment is made by a judgment creditor and the requirements of RCW 6.27.060 have been complied with, the clerk shall docket the case in the names of the judgment creditor as plaintiff, the judgment debtor as defendant, and the garnishee as garnishee defendant, and shall immediately issue and deliver a writ of garnishment to the judgment creditor in the form prescribed in RCW 6.27.100, directed to the garnishee, commanding the garnishee to answer said writ on forms served with the writ and complying with RCW 6.27.190 within twenty days after the service of the writ upon the garnishee.

The writ of garnishment shall be dated and attested as in the form prescribed in RCW 6.27.100. The name and office address of the plaintiff's attorney shall be indorsed thereon or, in case the plaintiff has no attorney, the name and address of the plaintiff shall be indorsed thereon. The address of the clerk's office shall appear at the bottom of the writ. [1987 c 442 § 1007; 1970 ex.s. c 61 § 1. Prior: 1969 ex.s. c 264 § 5. Formerly RCW 7.33.050.]

6.27.080 Writ directed to financial institution—Form and service. (1) A writ of garnishment directed to a bank, savings and loan association, or credit union that maintains branch offices shall identify either a particular branch of the financial institution or the financial institution as the garnishee defendant. The head office of a financial institution shall be considered a separate branch for purposes of this section. The statement required by subsection (2) of this section may be incorporated in the writ or served separately.

(2) Service shall be as required by RCW 6.27.110 (1) and (3) and shall be by certified mail, return receipt requested, directed to or by personal service, in the same manner as a summons in a civil action is served, on the manager, cashier, or assistant cashier of the financial institution, except that, if the financial institution, and not a branch, is named as garnishee defendant, service

shall be either on the head office or on the place designated by the financial institution for receipt of service of process. There shall be served with the writ, as part of the service, a statement in writing signed by the plaintiff or plaintiff's attorney, stating (a) the defendant's place of residence and business, occupation, trade, or profession, or (b) the defendant's federal tax identification number, or (c) the defendant's account number, if such information is not incorporated in the writ. If the statement is not served with the writ and such information is not included in the writ, the service shall be deemed incomplete and the garnishee shall not be held liable for funds owing to the defendant or property of the defendant in the possession of or under the control of the garnishee defendant that it fails to discover.

(3) A writ naming the financial institution as the garnishee defendant shall be effective only to attach deposits of the defendant in the financial institution and compensation payable for personal services due the defendant from the financial institution. A writ naming a branch as garnishee defendant shall be effective only to attach the deposits, accounts, credits, or other personal property of the defendant (excluding compensation payable for personal services) in the possession or control of the particular branch to which the writ is directed and on which service is made.

A writ of garnishment is effective against property in the possession or control of a financial institution only if the writ of garnishment is directed to and names a branch as garnishee defendant. [1988 c 231 § 23; 1987 c 442 § 1008.]

Severability—1988 c 231: See note following RCW 6.01.050.

6.27.090 Amount garnishee required to hold. (1) The writ of garnishment shall set forth in the first paragraph the amount that garnishee is required to hold, which shall be an amount determined as follows: (a)(i) If after judgment, the amount of the judgment remaining unsatisfied plus interest to the date of garnishment, as provided in RCW 4.56.110, plus taxable costs and attorney's fees, or (ii) if before judgment, the amount prayed for in the complaint plus estimated taxable costs of suit and attorneys' fees, together with, (b) whether before or after judgment, estimated costs of garnishment as provided in subsection (2) of this section. The court may, by order, set a higher amount to be held upon a showing of good cause by plaintiff.

(2) Costs recoverable in garnishment proceedings, to be estimated for purposes of subsection (1) of this section, include filing fee, service and affidavit fees, postage and costs of certified mail, answer fee or fees, and a garnishment attorney fee in the amount of the greater of fifty dollars or ten percent of (a) the amount of the judgment remaining unsatisfied or (b) the amount prayed for in the complaint. The garnishment attorney fee shall not exceed two hundred fifty dollars. [1988 c 231 § 24; 1987 c 442 § 1009; 1969 ex.s. c 264 § 9. Formerly RCW 7.33.090.]

Severability—1988 c 231: See note following RCW 6.01.050.

(1989 Ed.)

6.27.100 Form of writ. The writ shall be substantially in the following form: *Provided*, That if the writ is issued under a court order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or court order for child support"; *And provided further*, That if the garnishment is for a continuing lien, the form shall be modified as provided in RCW 6.27.340; *And provided further*, That if the writ is not directed to an employer for the purpose of garnishing a defendant's earnings, the paragraph relating to the earnings exemption may be omitted:

"IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

Plaintiff, No. -----
vs. -----
----- WRIT OF
Defendant GARNISHMENT

Garnishee Defendant
THE STATE OF WASHINGTON TO: -----
Garnishee
Defendant
AND TO: -----
Defendant

The above-named plaintiff has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount to be held to satisfy that indebtedness is \$ -----, consisting of:

Balance on Judgment or Amount of Claim	\$ -----
Interest under Judgment from ----- to -----	\$ -----
Taxable Costs and Attorneys' Fees	\$ -----
Estimated Garnishment Costs:	
Filing Fee	\$ -----
Service and Affidavit Fees	\$ -----
Postage and Costs of Certified Mail	\$ -----
Answer Fee or Fees	\$ -----
Garnishment Attorney Fee	\$ -----

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court or by this writ, not to pay any debt, whether earnings subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

YOU ARE FURTHER COMMANDED to answer this writ by filling in the attached form according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon

you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, in the envelopes provided.

If, at the time this writ was served, you owed the defendant any earnings (that is, wages, salary, commission, bonus, or other compensation for personal services or any periodic payments pursuant to a pension or retirement program), the defendant is entitled to receive amounts that are exempt from garnishment under federal and state law. You must pay the exempt amounts to the defendant on the day you would customarily pay the compensation or other periodic payment. As more fully explained in the answer, the basic exempt amount is the greater of seventy-five percent of disposable earnings or a minimum amount determined by reference to the employee's pay period, to be calculated as provided in the answer. However, if this writ carries a statement in the heading that "This garnishment is based on a judgment or court order for child support," the basic exempt amount is forty percent of disposable earnings.

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and release all additional funds or property to defendant.

YOUR FAILURE TO ANSWER THIS WRIT AS COMMANDED WILL RESULT IN A JUDGMENT BEING ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTERESTS AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT.

Witness, the Honorable _____, Judge of the Superior Court, and the seal thereof, this ____ day of _____, 19__.

[Seal]

Attorney for
Plaintiff (or
Plaintiff,
if no attorney)

Clerk of
Superior
Court

Address

By

Address

[1988 c 231 § 25; 1987 c 442 § 1010; 1981 c 193 § 4; 1969 ex.s. c 264 § 11. Formerly RCW 7.33.110.]

Severability—1988 c 231: See note following RCW 6.01.050.

6.27.110 Service of writ generally—Forms—Requirements for financial institution—Return. (1) Service of the writ of garnishment on the garnishee is invalid unless the writ is served together with: (a) Four answer forms as prescribed in RCW 6.27.190; (b) three stamped envelopes addressed respectively to the clerk of the court issuing the writ, the attorney for the plaintiff (or to the plaintiff if the plaintiff has no attorney), and

the defendant; and (c) cash or a check made payable to the garnishee in the amount of ten dollars.

(2) Except as provided in RCW 6.27.080 for service on a bank, savings and loan association, or credit union, the writ of garnishment shall be mailed to the garnishee by certified mail, return receipt requested, addressed in the same manner as a summons in a civil action, and will be binding upon the garnishee on the day set forth on the return receipt. In the alternative, the writ shall be served by the sheriff of the county in which the garnishee lives or has its place of business or by any person qualified to serve process in the same manner as a summons in a civil action is served.

(3) If a writ of garnishment is served by a sheriff, the sheriff shall file with the clerk of the court that issued the writ a signed return showing the time, place, and manner of service and that the writ was accompanied by answer forms, addressed envelopes, and cash or a check as required by this section, and noting thereon fees for making the service. If service is made by any person other than a sheriff, such person shall file an affidavit including the same information and showing qualifications to make such service. If a writ of garnishment is served by mail, the person making the mailing shall file an affidavit showing the time, place, and manner of mailing and that the writ was accompanied by answer forms, addressed envelopes, and cash or a check as required by this section and shall attach the return receipt to the affidavit. [1988 c 231 § 26; 1987 c 442 § 1011; 1981 c 193 § 5; 1971 ex.s. c 292 § 8; 1970 ex.s. c 61 § 11; 1969 ex.s. c 264 § 13. Formerly RCW 7.33.130.]

Rules of court: Cf. SPR 91.0:W(a), (b), and (c).

Severability—1988 c 231: See note following RCW 6.01.050.

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

6.27.120 Effect of service of writ. (1) From and after the service of a writ of garnishment, it shall not be lawful, except as provided in this chapter or as directed by the court, for the garnishee to pay any debt owing to the defendant at the time of such service, or to deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects belonging to the defendant in the garnishee's possession or under the garnishee's control at the time of such service; and any such payment, delivery, sale or transfer shall be void and of no effect as to so much of said debt, personal property or effects as may be necessary to satisfy the plaintiff's demand.

(2) This section shall have no effect as to any portion of a debt that is exempt from garnishment.

(3) The garnishee shall incur no liability for releasing funds or property in excess of the amount stated in the writ of garnishment if the garnishee continues to hold an amount equal to the amount stated in the writ of garnishment. [1987 c 442 § 1012; 1969 ex.s. c 264 § 14. Formerly RCW 7.33.140.]

6.27.130 Mailing of writ and judgment or affidavit to judgment debtor—Mailing of notice and claim form if judgment debtor is an individual—Service—Return.

(1) When a writ is issued under a judgment, on or before the date of service of the writ on the garnishee, the judgment creditor shall mail or cause to be mailed to the judgment debtor, by certified mail, addressed to the last known post office address of the judgment debtor, (a) a copy of the writ and a copy of the judgment or, if it is a district court judgment, a copy of the judgment creditor's affidavit submitted in application for the writ, and (b) if the judgment debtor is an individual, the notice and claim form prescribed in RCW 6.27.140. In the alternative, on or before the day of the service of the writ on the garnishee or within two days thereafter, the stated documents shall be served on the judgment debtor in the same manner as is required for personal service of summons upon a party to an action.

(2) The requirements of this section shall not be jurisdictional, but (a) no disbursement order or judgment against the garnishee defendant shall be entered unless there is on file the return or affidavit of service or mailing required by subsection (3) of this section, and (b) if the copies of the writ and judgment or affidavit, and the notice and claim form if the defendant is an individual, are not mailed or served as herein provided, or if any irregularity appears with respect to the mailing or service, the court, in its discretion, on motion of the judgment debtor promptly made and supported by affidavit showing that the judgment debtor has suffered substantial injury from the plaintiff's failure to mail or otherwise to serve such copies, may set aside the garnishment and award to the judgment debtor an amount equal to the damages suffered because of such failure.

(3) If the service on the judgment debtor is made by a sheriff, the sheriff shall file with the clerk of the court that issued the writ a signed return showing the time, place, and manner of service and that the copy of the writ was accompanied by a copy of a judgment or affidavit, and by a notice and claim form if required by this section, and shall note thereon fees for making such service. If service is made by any person other than a sheriff, such person shall file an affidavit including the same information and showing qualifications to make such service. If service on the judgment debtor is made by mail, the person making the mailing shall file an affidavit including the same information as required for return on service and, in addition, showing the address of the mailing and attaching the return receipt or the mailing should it be returned to the sender as undeliverable. [1988 c 231 § 27; 1987 c 442 § 1013; 1969 ex.s. c 264 § 32. Formerly RCW 7.33.320.]

Severability—1988 c 231: See note following RCW 6.01.050.

6.27.140 Form of returns under RCW 6.27.130. (1) The notice required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in type no smaller than elite type:

NOTICE OF GARNISHMENT AND OF YOUR RIGHTS

A Writ of Garnishment issued by a Washington court has been or will be served on the garnishee

(1989 Ed.)

named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the garnishee held or controlled. This notice of your rights is required by law.

YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

WAGES. If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. If the garnishment is for child support, the exempt amount paid to you will be forty percent of wages due you, but if you are supporting a spouse or dependent child, you are entitled to claim an additional ten percent as exempt.

BANK ACCOUNTS. If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), Social Security, veterans' benefits, unemployment compensation, or a United States pension, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

OTHER EXEMPTIONS. If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts up to five hundred dollars of property of your choice (including up to one hundred dollars in cash or in a bank account) and certain property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

(2) The claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in type no smaller than elite type:

[Caption to be filled in by judgment creditor or plaintiff before mailing.]

Name of Court _____ No. _____
Plaintiff, _____
vs. EXEMPTION CLAIM
Defendant, _____
Garnishee Defendant _____

INSTRUCTIONS:

- 1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines.
2. Make two copies of the completed form. Deliver the original form by first class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 weeks) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

- [] The account contains payments from:
[] AFDC, SSI, or other public assistance. I receive \$_____ monthly.
[] Social Security. I receive \$_____ monthly.
[] Veterans' Benefits. I receive \$_____ monthly.
[] U.S. Government Pension. I receive \$_____ monthly.
[] Unemployment Compensation. I receive \$_____ monthly.
[] Child support. I receive \$_____ monthly.
[] Other. Explain _____

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:

- [] No money other than from above payments are in the account.

- [] Moneys in addition to the above payments have been deposited in the account. Explain _____

IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

- [] I claim maximum exemption.
[] I am supporting another child or other children.
[] I am supporting a husband or a wife.

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

- [] Name and address of employer who is paying the benefits: _____

OTHER PROPERTY:

- [] Describe property _____

(If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

Print: Your name _____ If married, name of husband/wife _____
Your signature _____ Signature of husband or wife _____
Address _____ Address (if different from yours) _____
Telephone number _____ Telephone number (if different from yours) _____

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

[1987 c 442 § 1014.]

6.27.150 Exemption of earnings—Amount. (1) Except as provided in subsection (2) of this section, if the garnishee is an employer owing the defendant earnings, then for each week of such earnings, an amount shall be exempt from garnishment which is the greatest of the following:

(a) Thirty times the federal minimum hourly wage prescribed by section 206(a)(1) of Title 29 of the United States Code in effect at the time the earnings are payable; or

(b) Seventy-five percent of the disposable earnings of the defendant.

(2) In the case of a garnishment based on a judgment or other court order for child support, other than a mandatory wage assignment order, the exemption shall be fifty percent of the disposable earnings of the defendant if the individual is supporting a spouse or dependent child (other than a spouse or child on whose behalf the garnishment is brought), or forty percent of the disposable earnings of the defendant if the individual is not supporting such a spouse or dependent child.

(3) The exemptions stated in this section shall apply whether such earnings are paid, or are to be paid, weekly, monthly, or at other intervals, and whether earnings are due the defendant for one week, a portion thereof, or for a longer period.

(4) Unless directed otherwise by the court, the garnishee shall determine and deduct exempt amounts under this section as directed in the writ of garnishment and answer, and shall pay these amounts to the defendant.

(5) No money due or earned as earnings as defined in RCW 6.27.010 shall be exempt from garnishment under the provisions of RCW 6.15.010, as now or hereafter amended. [1987 c 442 § 1015; 1981 c 193 § 6; 1971 c 6 § 1; 1970 ex.s. c 61 § 3; 1969 ex.s. c 264 § 28. Formerly RCW 7.33.280.]

6.27.160 Claiming exemptions—Form—Hearing—Attorney's fees—Costs—Release of funds or property. (1) A defendant may claim exemptions from garnishment in the manner specified by the statute that creates the exemption or by delivering to or mailing by first class mail to the clerk of the court out of which the writ was issued a declaration in substantially the following form or in the form set forth in RCW 6.27.140 and mailing a copy of the form by first class mail to the plaintiff or plaintiff's attorney at the address shown on the writ of garnishment, all not later than twenty-eight days after the date stated on the writ except that the time shall be extended to allow a declaration mailed or delivered to the clerk within twenty-one days after service of the writ on the garnishee if service on the garnishee is delayed more than seven days after the date of the writ.

[NAME OF COURT]

No.

Plaintiff

Defendant

CLAIM OF EXEMPTION

Garnishee

I/We claim the following described property or money as exempt from execution:

(1989 Ed.)

I/We believe the property is exempt because:

Print name

Print name of spouse, if married

Signature

Signature

Address

Address

Telephone number

Telephone number

(2) A plaintiff who wishes to object to an exemption claim must, not later than seven days after receipt of the claim, cause to be delivered or mailed to the defendant by first class mail, to the address shown on the exemption claim, a declaration by self, attorney, or agent, alleging the facts on which the objection is based, together with notice of date, time, and place of a hearing on the objection, which hearing the plaintiff must cause to be noted for a hearing date not later than fourteen days after the receipt of the claim. After a hearing on an objection to an exemption claim, the court shall award costs to the prevailing party and may also award an attorney's fee to the prevailing party if the court concludes that the exemption claim or the objection to the claim was not made in good faith.

(3) If the plaintiff elects not to object to the claim of exemption, the plaintiff shall, not later than ten days after receipt of the claim, obtain from the court and deliver to the garnishee an order directing the garnishee to release such part of the debt, property, or effects as is covered by the exemption claim. If the plaintiff fails to obtain and deliver the order as required or otherwise to effect release of the exempt funds or property, the defendant shall be entitled to recover fifty dollars from the plaintiff, in addition to actual damages suffered by the defendant from the failure to release the exempt property. [1988 c 231 § 28; 1987 c 442 § 1016.]

Severability—1988 c 231: See note following RCW 6.01.050.

6.27.170 Garnished employee not to be discharged—Exception. No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to a writ of garnishment directed to the employer: Provided, however, That this provision shall not apply if garnishments on three or more separate indebtednesses are served upon the employer within any period of twelve consecutive months. [1987 c 442 § 1017; 1969 ex.s. c 264 § 16. Formerly RCW 7.33.160.]

6.27.175 Employee separated from employment due to wage garnishment not disqualified for unemployment compensation. See RCW 50.20.045.

6.27.180 Bond to discharge writ. If the defendant in the principal action causes a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the writ of garnishment or by the clerk of the court out of which the writ was issued, conditioned that the defendant will perform the judgment of the court, the writ of garnishment shall, upon the filing of said bond with the clerk, be immediately discharged, and all proceedings under the writ shall be vacated: Provided, That the garnishee shall not be thereby deprived from recovering any costs in said proceeding, to which the garnishee would otherwise be entitled under this chapter. The bond shall be part of the record and, if judgment is against the defendant, it shall be entered against defendant and the sureties. [1988 c 231 § 29; 1987 c 442 § 1018; 1969 ex.s. c 264 § 17. Formerly RCW 7.33.170.]

Severability—1988 c 231: See note following RCW 6.01.050.

6.27.190 Answer of garnishee—Contents—Forms. The answer of the garnishee shall be signed by the garnishee or attorney or if the garnishee is a corporation, by an officer, attorney or duly authorized agent of the garnishee, under penalty of perjury, and the original delivered, either personally or by mail, to the clerk of the court that issued the writ, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant. The answer shall be made on a form substantially as appears in this section, served on the garnishee with the writ, with minimum exemption amounts for the different pay periods filled in by the plaintiff before service of the answer forms: Provided, That, if the garnishment is for a continuing lien, the answer forms shall be as prescribed in RCW 6.27.340 and 6.27.350: And provided further, That if the writ is not directed to an employer for the purpose of garnishing the defendant's wages, paragraphs relating to the earnings exemptions may be omitted.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

NO. -----
Plaintiff vs. Defendant
ANSWER TO WRIT OF GARNISHMENT
Garnishee Defendant

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$..... (On the reverse side of this answer form, or on an attached page, give an explanation of the dollar amount stated, or give reasons why there is uncertainty about your answer.)

If the above amount or any part of it is for personal earnings (that is, compensation payable for personal services, whether called wages, salary, commission, bonus, or otherwise, and including periodic payments pursuant to a pension or retirement program): Garnishee has deducted from this amount \$..... which is the exemption to which the defendant is entitled, leaving \$..... that garnishee holds under the writ. The exempt amount is calculated as follows:

Table with 2 columns: Description and Amount. Rows include Total compensation due defendant, LESS deductions for social security and withholding taxes and any other deduction required by law, Disposable earnings.

If the title of this writ indicates that this is a garnishment under a child support judgment, enter forty percent of disposable earnings: \$..... This amount is exempt and must be paid to the defendant at the regular pay time.

If this is not a garnishment for child support, enter seventy-five percent of disposable earnings: \$..... From the listing in the following paragraph, choose the amount for the relevant pay period and enter that amount: \$..... (If amounts for more than one pay period are due, multiply the preceding amount by the number of pay periods and/or fraction of pay period for which amounts are due and enter that amount: \$.....) The greater of the amounts entered in this paragraph is the exempt amount and must be paid to the defendant at the regular pay time.

Minimum exempt amounts for different pay periods: Weekly \$.....; Biweekly \$.....; Semi-monthly \$.....; Monthly \$.....

List all of the personal property or effects of defendant in the garnishee's possession or control when the writ was served. (Use the reverse side of this answer form or attach a schedule if necessary.)

An attorney may answer for the garnishee.

Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of Garnishee Defendant Date

Signature of person answering for garnishee Connection with garnishee

Address of Garnishee

[1988 c 231 § 30; 1987 c 442 § 1019; 1969 ex.s. c 264 § 15. Formerly RCW 7.33.150.]

Rules of court: Cf. SPR 91.04W(c).

Severability—1988 c 231: See note following 6.01.050.

6.27.200 Default judgment—Reduction upon motion of garnishee—Attorney's fee. If the garnishee fails to answer the writ within the time prescribed in the writ, after the time to answer the writ has expired and after required returns or affidavits have been filed, showing service on the garnishee and service on or mailing to the defendant, it shall be lawful for the court to render judgment by default against such garnishee, in accordance with rules relating to entry of default judgments, for the full amount claimed by the plaintiff against the defendant, or in case the plaintiff has a judgment against the defendant, for the full amount of the plaintiff's unpaid judgment against the defendant with all accruing interest and costs as prescribed in RCW 6.27.090: *Provided*, That upon motion by the garnishee at any time within seven days following service on, or mailing to, the garnishee defendant of a copy of a writ of execution or a writ of garnishment under such judgment, the judgment against the garnishee shall be reduced to the amount of any nonexempt funds or property which was actually in the possession of the garnishee at the time the writ was served, plus the cumulative amount of the nonexempt earnings subject to the lien provided for in RCW 6.27.350, or the sum of one hundred dollars, whichever is more, but in no event to exceed the full amount claimed by the plaintiff or the amount of the unpaid judgment against the principal defendant plus all accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, and in addition the plaintiff shall be entitled to a reasonable attorney's fee for the plaintiff's response to the garnishee's motion to reduce said judgment against the garnishee under this proviso and the court may allow additional attorney's fees for other actions taken because of the garnishee's failure to answer. [1988 c 231 § 31; 1987 c 442 § 1020; 1970 ex.s. c 61 § 10; 1969 ex.s. c 264 § 19. Formerly RCW 7.33.190.]

Rules of court: CR 55, JCR 55.

Severability—1988 c 231: See note following RCW 6.01.050.

6.27.210 Answer of garnishee may be controverted by plaintiff or defendant. If the garnishee files an answer, either the plaintiff or the defendant, if not satisfied with the answer of the garnishee, may controvert within twenty days after the filing of the answer, by filing an affidavit in writing signed by the controverting party or attorney or agent, stating that the affiant has good reason to believe and does believe that the answer of the garnishee is incorrect, stating in what particulars the affiant believes the same is incorrect. Copies of the affidavit shall be served on or mailed by first class mail to the garnishee at the address indicated on the answer or, if no address is indicated, at the address to or at which the writ was mailed or served, and to the other party, at the address shown on the writ if the defendant controverts, or at the address to or at which the copy of the writ of garnishment was mailed or served on the defendant if the plaintiff controverts, unless otherwise directed in writing by the defendant or defendant's attorney. [1987 c 442 § 1021; 1969 ex.s. c 264 § 24. Formerly RCW 7.33.240.]

6.27.220 Controversion—Procedure. If the answer of the garnishee is controverted, as provided in RCW 6.27.210, the garnishee may respond by affidavit of the garnishee, the garnishee's attorney or agent, within twenty days of the filing of the controverting affidavit, with copies served on or mailed by first class mail to the plaintiff at the address shown on the writ and to the defendant as provided in RCW 6.27.210. Upon the expiration of the time for garnishee's response, the matter may be noted by any party for hearing before a commissioner or presiding judge for a determination whether an issue is presented that requires a trial. If a trial is required, it shall be noted as in other cases, but no pleadings shall be necessary on such issue other than the affidavit of the plaintiff, the answer of the garnishee and the reply of the plaintiff or defendant controverting such answer, unless otherwise ordered by the court. [1987 c 442 § 1022; 1969 ex.s. c 264 § 26. Formerly RCW 7.33.260.]

6.27.230 Controversion—Costs and attorney's fees. Where the answer is controverted, the costs of the proceeding, including a reasonable compensation for attorney's fees, shall be awarded to the prevailing party: *Provided*, That no costs or attorney's fees in such contest shall be taxable to the defendant in the event of a controversion by the plaintiff. [1987 c 442 § 1023; 1969 ex.s. c 264 § 29. Formerly RCW 7.33.290.]

6.27.240 Discharge of garnishee. If it appears from the answer of the garnishee that the garnishee was not indebted to the defendant when the writ of garnishment was served, and that the garnishee did not have possession or control of any personal property or effects of the defendant, and if an affidavit controverting the answer of the garnishee is not filed within twenty days of the filing of the answer, as provided in this chapter, the garnishee shall stand discharged without further action by the court or the garnishee and shall have no further liability. [1987 c 442 § 1024; 1969 ex.s. c 264 § 18. Formerly RCW 7.33.180.]

6.27.250 Judgment against garnishee—Procedure if debt not mature. (1) If it appears from the answer of the garnishee or if it is otherwise made to appear that the garnishee was indebted to the defendant in any amount, not exempt, when the writ of garnishment was served, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall render judgment for the plaintiff against such garnishee for the amount so admitted or found to be due to the defendant from the garnishee, unless such amount exceeds the amount of the plaintiff's claim or judgment against the defendant with accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, in which case it shall be for the amount of such claim or judgment, with said interest, costs, and fees.

(2) If it shall appear from the answer of the garnishee and the same is not controverted, or if it shall appear from the hearing or trial on controversion or by stipulation of the parties that the garnishee is indebted to the

principal defendant in any sum, but that such indebtedness is not matured and is not due and payable, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall make an order requiring the garnishee to pay such sum into court when the same becomes due, the date when such payment is to be made to be specified in the order, and in default thereof that judgment shall be entered against the garnishee for the amount of such indebtedness so admitted or found due. In case the garnishee pays the sum at the time specified in the order, the payment shall operate as a discharge, otherwise judgment shall be entered against the garnishee for the amount of such indebtedness, which judgment shall have the same force and effect, and be enforced in the same manner as other judgments entered against garnishees as provided in this chapter: *Provided*, That if judgment is rendered in favor of the principal defendant, or if any judgment rendered against the principal defendant is satisfied prior to the date of payment specified in an order of payment entered under this subsection, the garnishee shall not be required to make the payment, nor shall any judgment in such case be entered against the garnishee. [1988 c 231 § 32; 1987 c 442 § 1025; 1969 ex.s. c 264 § 20. Formerly RCW 7.33.200.]

Rules of court: Cf. SPR 91.04W(d).

Severability—1988 c 231: See note following RCW 6.01.050.

6.27.260 Execution on judgment against garnishee. Execution may be issued on the judgment against the garnishee in the same manner as upon any other judgment. The amount made upon any such execution shall be paid by the officer executing it to the clerk of the court from which the execution was issued; and, in cases where judgment has been rendered against the defendant, the amount made on the execution shall be applied to the satisfaction of the judgment, interest and costs against the defendant. In case judgment has not been rendered against the defendant at the time execution issued against the garnishee is returned, any amount made on the execution shall be paid to the clerk of the court from which the execution issued, who shall retain the same until judgment is rendered in the action between the plaintiff and defendant. In case judgment is rendered in favor of the plaintiff, the amount made on the execution against the garnishee shall be applied to the satisfaction of such judgment and the surplus, if any, shall be paid to the defendant. In case judgment is rendered in favor of the defendant, the amount made on the execution against the garnishee shall be paid to the defendant. [1987 c 442 § 1026; 1969 ex.s. c 264 § 21. Formerly RCW 7.33.210.]

6.27.270 Decree directing garnishee to deliver up effects—Disposition. If it appears from the garnishee's answer or otherwise that the garnishee had possession or control, when the writ was served, of any personal property or effects of the defendant liable to execution, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall render a decree requiring the garnishee to deliver up to the

sheriff on demand, and after making arrangements with the sheriff as to time and place of delivery, such personal property or effects or so much of them as may be necessary to satisfy the plaintiff's claim. If a judgment has been rendered in favor of the plaintiff against the defendant, such personal property or effects may be sold in the same manner as any other property is sold upon an execution issued on said judgment. If judgment has not been rendered in the principal action, the sheriff shall retain possession of the personal property or effects until the rendition of judgment therein, and, if judgment is thereafter rendered in favor of the plaintiff, said personal property or effects, or sufficient of them to satisfy such judgment, may be sold in the same manner as other property is sold on execution, by virtue of an execution issued on the judgment in the principal action. If judgment is rendered in the action against the plaintiff and in favor of the defendant, such effects and personal property shall be returned to the defendant by the sheriff: *Provided, however*, That if such effects or personal property are of a perishable nature, or the interests of the parties will be subserved by making a sale thereof before judgment, the court may order a sale thereof by the sheriff in the same manner as sales upon execution are made, and the proceeds of such sale shall be paid to the clerk of the court that issued the writ, and the same disposition shall be made of the proceeds at the termination of the action as would have been made of the personal property or effects under the provisions of this section in case the sale had not been made. [1988 c 231 § 33; 1987 c 442 § 1027; 1969 ex.s. c 264 § 22. Formerly RCW 7.33.220.]

Severability—1988 c 231: See note following RCW 6.01.050.

6.27.280 Procedure upon failure of garnishee to deliver. If the garnishee, adjudged to have effects or personal property of the defendant in possession or under control as provided in RCW 6.27.270, fails or refuses to deliver them to the sheriff on such demand, the officer shall immediately make return of such failure or refusal, whereupon, on motion of the plaintiff, the garnishee shall be cited to show cause why he or she should not be found in contempt of court for such failure or refusal, and should the garnishee fail to show some good and sufficient excuse for such failure and refusal, he or she shall be fined for such contempt and imprisoned until he or she shall deliver such personal property or effects. [1987 c 442 § 1028; 1969 ex.s. c 264 § 23. Formerly RCW 7.33.230.]

6.27.290 Similarity of names—Procedure. (1) If the garnishee in the answer states that the garnishee at the time of the service of the writ was indebted to or had possession or control of personal property or effects belonging to a person with a name the same as or similar to the name of the defendant, and stating the place of business or residence of said person, and that the garnishee does not know whether or not such person is the same person as the defendant, and prays the court to determine whether or not the person is the same person as the defendant, the court, before rendering judgment

against the garnishee defendant as hereinbefore provided, shall conduct a hearing to take proof as to the identity of said persons.

(2) Before the hearing on the question of identity, the plaintiff shall cause the court to issue a citation directed to the person identified in the garnishee's answer, commanding that person to appear before the court from which the citation is issued within ten days after the service of the same, and to answer on oath whether or not he or she is the same person as the defendant in said action. The citation shall be dated and attested in the same manner as a writ of garnishment and be delivered to the plaintiff or the plaintiff's attorney and shall be served in the same manner as a summons in a civil action is served.

(3) If the court finds after hearing that the persons are not the same, the garnishee shall be discharged and shall recover costs against the plaintiff. If the court finds that the persons are the same, it shall make the same kind of judgment as in other cases in which the garnishee is held upon the garnishee's answer, including provision for garnishee's costs.

(4) If the court finds after the hearing that the defendant or judgment debtor is the same person as the person identified in the garnishee's answer, it shall be sufficient answer to any claim of said person against the garnishee founded on any indebtedness of the garnishee or on the possession or control by the garnishee of any personal property or effects for the garnishee to show that the indebtedness was paid or the personal property or effects were delivered under the judgment of the court in accordance with the provisions in this chapter. [1987 c 442 § 1029; 1969 ex.s. c 264 § 33. Formerly RCW 7.33.330.]

6.27.300 Garnishee protected against claim of defendant. It shall be a sufficient answer to any claim of the defendant against the garnishee founded on any indebtedness of the garnishee or on the possession or control by the garnishee of any personal property or effects, for the garnishee to show that such indebtedness was paid or such personal property or effects were delivered under the judgment of the court in accordance with this chapter. [1987 c 442 § 1030; 1969 ex.s. c 264 § 30. Formerly RCW 7.33.300.]

6.27.310 Dismissal of writ after one year—Notice—Exception. In all cases where it shall appear from the answer of the garnishee that the garnishee was indebted to the defendant when the writ of garnishment was served, no controversy is pending, there has been no discharge or judgment against the garnishee entered, and one year has passed since the filing of the answer of the garnishee, the court, after ten days' notice in writing to the plaintiff, shall enter an order dismissing the writ of garnishment and discharging the garnishee. *Provided,* That this provision shall have no effect if the cause of action between plaintiff and defendant is pending on the trial calendar, or if any party files an affidavit that the action is still pending. [1987 c 442 § 1031; 1969 ex.s. c 264 § 27. Formerly RCW 7.33.270.]

6.27.320 Dismissal of garnishment upon satisfaction of judgment from other source—Duty of plaintiff—Procedure—Penalty—Costs. In any case where garnishee has answered that it is holding funds or property belonging to defendant and plaintiff shall obtain satisfaction of his judgment from a source other than the garnishment, upon written demand of the defendant or the garnishee, it shall be the duty of plaintiff to obtain an order dismissing the garnishment and to serve it upon the garnishee within twenty days after demand or satisfaction of judgment, whichever shall be later. In the event of the failure of plaintiff to obtain and serve such an order, if garnishee continues to hold such funds or property, defendant shall be entitled to move for dismissal of the garnishment and shall further be entitled to a judgment against plaintiff of one hundred dollars plus defendant's costs and damages. Dismissal may be on ex parte motion of the plaintiff. [1969 ex.s. c 264 § 31. Formerly RCW 7.33.310.]

6.27.330 Continuing lien on earnings—Authorized. A judgment creditor may obtain a continuing lien on earnings by a garnishment pursuant to RCW 6.27.340, 6.27.350, 6.27.360, and *7.33.390. [1987 c 442 § 1032; 1970 ex.s. c 61 § 5. Formerly RCW 7.33.350.]

*Reviser's note: RCW 7.33.390 was repealed by 1987 c 442. Language substantially similar to RCW 7.33.390 was added to RCW 6.27.350.

6.27.340 Continuing lien on earnings—Captions—Additions to writ and answer forms. (1) Service of a writ for a continuing lien shall comply fully with RCW 6.27.110.

(2) The caption of the writ shall be marked "CONTINUING LIEN ON EARNINGS" and the following additional paragraph shall be included in the writ form prescribed in RCW 6.27.100:

"THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the nonexempt portion of the defendant's earnings due at the time of service of this writ and shall also hold the defendant's nonexempt earnings that accrue through the last payroll period ending on or before SIXTY days after the date of service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt earnings that accrue from the date the previously served writ or writs terminate and through the last payroll period ending on or before sixty days after the date of termination of the previous writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF GARNISHMENT."

(3) The answer forms served on an employer with the writ shall include in the caption, "ANSWER TO WRIT OF GARNISHMENT FOR CONTINUING LIEN ON EARNINGS," and the following paragraph shall be added as the first paragraph of the answer form prescribed in RCW 6.27.190:

"If you are withholding the defendant's nonexempt earnings under a previously served writ for a continuing lien, answer only this portion of this form and mail or deliver the forms as directed in the writ. Withhold from the defendant's future nonexempt earnings as directed in the writ, and a second set of answer forms will be forwarded to you later.

ANSWER: I am presently holding the defendant's nonexempt earnings under a previous writ served on
----- that will terminate not later than
----- 19--

If you are NOT withholding the defendant's earnings under a previously served writ for a continuing lien, answer the following portion of this form and mail or deliver the forms as directed in the writ. A second set of answer forms will be forwarded to you later for subsequently withheld earnings."

(4) In the event plaintiff fails to comply with this section, employer may elect to treat the garnishment as one not creating a continuing lien. [1988 c 231 § 34; 1987 c 442 § 1033; 1970 ex.s. c 61 § 6. Formerly RCW 7.33.360.]

Severability—1988 c 231: See note following RCW 6.01.050.

6.27.350 Continuing lien on earnings—When lien becomes effective—Termination—Second answer. (1) Where the garnishee's answer to a garnishment for a continuing lien reflects that the defendant is employed by the garnishee, the judgment or balance due thereon as reflected on the writ of garnishment shall become a lien on earnings due at the time of the effective date of the writ, as defined in this subsection, to the extent that they are not exempt from garnishment, and such lien shall continue as to subsequent nonexempt earnings until the total subject to the lien equals the amount stated on the writ of garnishment or until the expiration of the employer's payroll period ending on or before sixty days after the effective date of the writ, whichever occurs first, except that such lien, on subsequent earnings shall terminate sooner if the employment relationship is terminated or if the underlying judgment is vacated, modified, or satisfied in full or if the writ is dismissed. The "effective date" of a writ is the date of service of the writ if there is no previously served writ; otherwise, it is the date of termination of a previously served writ or writs.

(2) At the time of the expected termination of the lien, the plaintiff shall mail to the garnishee cash or a check made payable to the garnishee in the amount of ten dollars, three additional stamped envelopes addressed as provided in RCW 6.27.110, and four additional copies of the answer form prescribed in RCW

6.27.190, (a) with a statement in substantially the following form added as the first paragraph: "ANSWER THE SECOND PART OF THIS FORM WITH RESPECT TO THE TOTAL AMOUNT OF EARNINGS WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE AMOUNT, IF ANY, STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS AFTER YOU RECEIVE THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT" and (b) with the following lines substituted for the first sentence of the form prescribed in RCW 6.27.190:

Amount due and owing stated in first answer \$.....
Amount accrued since first answer \$.....

(3) Within twenty days of receipt of the second answer form the garnishee shall file a second answer, in the form as provided in subsection (2) of this section, stating the total amount held subject to the garnishment. [1988 c 231 § 35; 1987 c 442 § 1034; 1970 ex.s. c 61 § 7. Formerly RCW 7.33.370.]

Severability—1988 c 231: See note following RCW 6.01.050.

6.27.360 Continuing lien on earnings—Priorities—Exceptions. (1) Except as provided in subsection (2) of this section, a lien obtained under RCW 6.27.350 shall have priority over any subsequent garnishment lien or wage assignment except that service of a writ shall not be effective to create a continuing lien with such priority if a writ in the same case is pending at the time of the service of the new writ.

(2) A lien obtained under RCW 6.27.350 shall not have priority over a notice of payroll deduction issued under RCW 26.23.060 or a wage assignment or other garnishment for child support issued under chapters 26.18 and 74.20A RCW. [1989 c 360 § 20; 1987 c 442 § 1035; 1970 ex.s. c 61 § 8. Formerly RCW 7.33.380.]

Appendix N
State of Washington Restitution Narrative

RCW 9.94A.140 RESTITUTION.

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant.

RCW 9.94A.142 RESTITUTION--OFFENSES COMMITTED AFTER JULY 1, 1985.

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after July 1, 1985.

Comment

The legislature has expressed a strong desire that victims receive restitution from offenders. Courts are urged to set restitution amounts "at the sentencing hearing or within sixty days." This time limit (as with others relating to the setting of hearings) is advisory to the courts and was not intended to create any right for a defendant to a speedy restitution hearing. See State v. Hartwell, 38 Wn. App. 135 (1984). (The 60-day rule is directory, not mandatory, and there must be a causal connection between the crime proven and the injuries for which restitution is ordered.)

RCW 9.94A.145 LEGAL FINANCIAL OBLIGATIONS

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs[,] fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation.

(2) All legal financial obligations that are ordered as a result of a conviction for felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. These obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(3) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(4) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(5) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(6) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(7) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.2001.

(8) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition and term of community supervision and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(9) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with written notice of payments by such offenders no less frequently than weekly.

Appendix P

Washington State Law Regarding:

Disposition of Work Release Prisoners' Earnings

Offenders' Non-compliance with Condition or Requirement of Sentence

Legal Financial Obligations -- Wage Assignments

Restitution

Penalty Assessments to Fund Victim Services

72.65.030 Application of prisoner to participate in program, contents—Application of section. (1) Any prisoner serving a sentence in a state correctional institution may make application to participate in the work release program to the superintendent of the institution in which he is confined. Such application shall set forth the name and address of his proposed employer or employers or shall specify the vocational training program, if any, in which he is enrolled. It shall include a statement to be executed by such prisoner that if his application be approved he agrees to abide faithfully by all terms and conditions of the particular work release plan adopted for him. It shall further set forth such additional information as the department or the secretary shall require.

(2) This section applies only to persons sentenced for crimes that were committed before July 1, 1984. [1984 c 209 § 29; 1979 c 141 § 276; 1967 c 17 § 3.]

Effective dates—1984 c 209: See note following RCW 9.94A.030.

72.65.040 Approval or denial of application—Adoption of work release plan—Terms and conditions—Revocation—Reapplication—Application of section. (1) The superintendent of the state correctional institution in which a prisoner who has made application to participate in the work release program is confined, after careful study of the prisoner's conduct, attitude and behavior within the institutions under the jurisdiction of the department, his criminal history and all other pertinent case history material, shall determine whether or not there is reasonable cause to believe that the prisoner will honor his trust as a work release participant. After having made such determination, the superintendent, in his discretion, may deny the prisoner's application, or recommend to the secretary, or such officer of the department as the secretary may designate, that the prisoner be permitted to participate in the work release program. The secretary or his designee, may approve, reject, modify, or defer action on such recommendation. In the event of approval, the secretary or his designee, shall adopt a work release plan for the prisoner, which shall constitute an extension of the limits of confinement and treatment of the prisoner when released pursuant thereto, and which shall include such terms and conditions as may be deemed necessary and proper under the particular circumstances. The plan shall be signed by the prisoner under oath that he will faithfully abide by all terms and conditions thereof. Further, as a condition, the plan shall specify where such prisoner shall be confined when not released for the purpose of the work release plan. At any time after approval has been granted to any prisoner to participate in the work release program, such approval may be revoked, and if the prisoner has been released on a work release plan, he may be returned to a state correctional institution, or the plan may be modified, in the sole discretion of the secretary or his designee. Any prisoner who has been initially rejected either by the superintendent or the secretary or his designee, may reapply for permission to participate in a work release program after a period of time has elapsed from the date of such rejection. This

period of time shall be determined by the secretary or his designee, according to the individual circumstances in each case.

(2) This section applies only to persons sentenced for crimes that were committed before July 1, 1984. [1984 c 209 § 30; 1979 c 141 § 277; 1967 c 17 § 4.]

Effective dates—1984 c 209: See note following RCW 9.94A.030.

72.65.050 Disposition of earnings. A prisoner employed under a work release plan shall surrender to the secretary, or to the superintendent of such state correctional institution as shall be designated by the secretary in the plan, his total earnings, less payroll deductions required by law, or such payroll deductions as may reasonably be required by the nature of the employment and less such amount which his work release plan specifies he should retain to help meet his personal needs, including costs necessary for his participation in the work release plan such as expenses for travel, meals, clothing, tools and other incidentals. The secretary, or the superintendent of the state correctional institution designated in the work release plan shall deduct from such earnings, and make payments from such work release participant's earnings in the following order of priority:

(1) Reimbursement to the department for any expenses advanced for vocational training pursuant to RCW 72.65.020(2), or for expenses incident to a work release plan pursuant to RCW 72.65.090.

(2) Payment of board and room charges for the work release participant: *Provided*, That if the participant is housed at a state correctional institution, the average daily per capita cost for the operation of such correctional institution, excluding capital outlay expenditures, shall be paid from the work release participant's earnings to the general fund of the state treasury: *Provided further*, That if such work release participant is housed in another facility pursuant to agreement, then the charges agreed to between the department and the appropriate authorities of such facility shall be paid from the participant's earnings to such appropriate authorities.

(3) Payments for the necessary support of the work release participant's dependents, if any.

(4) Payments to creditors of the work release participant, which may be made at his discretion and request, upon proper proof of personal indebtedness.

(5) Payments to the work release participant himself upon parole or discharge, or for deposit in his personal account if returned to a state correctional institution for confinement and treatment. [1979 c 141 § 278; 1967 c 17 § 5.]

72.65.060 Earnings not subject to legal process. (Effective until July 1, 1990.) The earnings of a work release participant shall not be subject to garnishment, attachment or execution while such earnings are either in the possession of the employer or any state officer authorized to hold such funds. [1967 c 17 § 6.]

72.65.060 Earnings not subject to legal process. (Effective July 1, 1990.) The earnings of a work release

participant shall not be subject to garnishment, attachment, or execution while such earnings are either in the possession of the employer or any state officer authorized to hold such funds, except for payment of a court-ordered legal financial obligation as that term is defined in RCW 72.11.010. [1989 c 252 § 21; 1967 c 17 § 6.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

72.65.070 Wilfully failing to return—Deemed escapee and fugitive—Penalty. Any prisoner approved for placement under a work release plan who wilfully fails to return to the designated place of confinement at the time specified shall be deemed an escapee and fugitive from justice, and upon conviction shall be guilty of a felony and sentenced in accordance with the terms of chapter 9.31 RCW. The provisions of this section shall be incorporated in every work release plan adopted by the department. [1967 c 17 § 7.]

*Reviser's note: "chapter 9.31 RCW" was repealed by 1975 1st ex.s. c 260 § 9A.92.010. For later enactment, see chapter 9A.76 RCW.

72.65.080 Contracts with authorities for payment of expenses for housing participants—Procurement of housing facilities. The secretary may enter into contracts with the appropriate authorities for the payment of the cost of feeding and lodging and other expenses of housing work release participants. Such contracts may include any other terms and conditions as may be appropriate for the implementation of the work release program. In addition the secretary is authorized to acquire, by lease or contract, appropriate facilities for the housing of work release participants and providing for their subsistence and supervision. Such work release participants placed in leased or contracted facilities shall be required to reimburse the department the per capita cost of subsistence and lodging in accordance with the provisions and in the priority established by RCW 72.65.050(2). The location of such facilities shall be subject to the zoning laws of the city or county in which they may be situated. [1982 1st ex.s. c 48 § 18; 1981 c 136 § 111; 1979 c 141 § 279; 1969 c 109 § 1; 1967 c 17 § 8.]

Severability—1982 1st ex.s. c 48: See note following RCW 28B.14G.900.

Effective date—1981 c 136: See RCW 72.09.900

Effective date—1969 c 109: "This act shall become effective on July 1, 1969." [1969 c 109 § 2.]

72.65.090 Transportation, clothing, supplies for participants. The department may provide transportation for work release participants to the designated places of housing under the work release plan, and may supply suitable clothing and such other equipment, supplies and other necessities as may be reasonably needed for the implementation of the plans adopted for such participation from the community services revolving fund as established in RCW 9.95.360: *Provided*, That costs and expenditures incurred for this purpose may be deducted by the department from the earnings of the participants

and deposited in the community services revolving fund. [1986 c 125 § 6; 1967 c 17 § 9.]

72.65.100 Powers and duties of secretary—Rules and regulations—Cooperation of other state agencies directed. The secretary is authorized to make rules and regulations for the administration of the provisions of this chapter to administer the work release program. In addition, the department shall:

(1) Supervise and consult with work release participants;

(2) Locate available employment or vocational training opportunities for qualified work release participants;

(3) Effect placement of work release participants under the program;

(4) Collect, account for and make disbursement from earnings of work release participants under the provisions of this chapter, including accounting for all-inmate debt in the community services revolving fund. RCW 9.95.370 applies to inmates assigned to work/training release facilities who receive assistance as provided in RCW 9.95.310, 9.95.320, 72.65.050, and 72.65.090;

(5) Promote public understanding and acceptance of the work release program.

All state agencies shall cooperate with the department in the administration of the work release program as provided by this chapter. [1986 c 125 § 7; 1981 c 136 § 112; 1979 c 141 § 280; 1967 c 17 § 10.]

Effective date—1981 c 136: See RCW 72.09.900.

72.65.110 Earnings to be deposited in personal funds—Disbursements. All earnings of work release participants shall be deposited by the secretary, or the superintendent of a state correctional institution designated by the secretary in the work release plan, in personal funds. All disbursements from such funds shall be made only in accordance with the work release plans of such participants and in accordance with the provisions of this chapter. [1979 c 141 § 281; 1967 c 17 § 11.]

72.65.120 Participants not considered agents or employees of the state—Contracting with persons, companies, etc., for labor of participants prohibited—Employee benefits and privileges extended to. All participants who become engaged in employment or training under the work release program shall not be considered as agents, employees or involuntary servants of state and the department is prohibited from entering into a contract with any person, co-partnership, company or corporation for the labor of any participant under its jurisdiction: *Provided*, That such work release participants shall be entitled to all benefits and privileges in their employment under the provisions of this chapter to the same extent as other employees of their employer, except that such work release participants shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged on expiration of their maximum sentences. [1967 c 17 § 12.]

shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court, pursuant to a written order. [1984 c 209 § 11.]

Effective dates—1984 c 209: See note following RCW 9.94A.030.

9.94A.200 Noncompliance with condition or requirement of sentence—Procedure—Penalty. (Effective until July 1, 1990.) (1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the non-compliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, or (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community service. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of fines or other monetary payments and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate. [1988 c 155 § 2; 1988 c 153 § 11; 1984 c 209 § 12; 1981 c 137 § 20.]

Reviser's note: This section was amended by 1988 c 153 § 11 and by 1988 c 155 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—Implementation—Application of increased sanctions—1988 c 153: See notes following RCW 9.94A.030.

Effective dates—1984 c 209: See note following RCW 9.92.150.

Effective date—1981 c 137: See RCW 9.94A.905.

9.94A.200 Noncompliance with condition or requirement of sentence—Procedure—Penalty. (Effective July 1, 1990.) (1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the non-compliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, or (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community service. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of legal financial obligations and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate. [1989 c 252 § 7. Prior: 1988 c 155 § 2; 1988 c 153 § 11; 1984 c 209 § 12; 1981 c 137 § 20.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

Effective date—Implementation—Application of increased sanctions—1988 c 153: See notes following RCW 9.94A.030.

Effective dates—1984 c 209: See note following RCW 9.92.150.

Effective date—1981 c 137: See RCW 9.94A.905.

9.94A.2001 Legal financial obligations—Wage assignments—Petition or motion. (Effective July 1, 1990.) A petition or motion seeking a mandatory wage assignment in a criminal action may be filed by the department or any obligee if the offender is more than thirty days past due in monthly payments in an amount equal to or greater than the amount payable for one month. The petition or motion shall include a sworn statement by the secretary or designee, or if filed solely by an obligee, by such obligee, stating the facts authorizing the issuance of the wage assignment order, including: (1) That the offender, stating his or her name and last known residence, is more than thirty days past due in payments in an amount equal to or greater than the amount payable for one month; (2) a description of the terms of the judgment and sentence and/or payment order requiring payment of a court-ordered legal financial obligation, the total amount remaining unpaid, and the amount past due; (3) the name and address of the offender's employer; (4) that notice by personal service, or any form of mail requiring a return receipt, has been provided to the offender at least fifteen days prior to the filing of a mandatory wage assignment, unless the judgment and sentence or the order for payment states that

the department or obligee may seek a mandatory wage assignment without notice to the defendant. A copy of the judgment and sentence or payment order shall be attached to the petition or motion seeking the wage assignment. [1989 c 252 § 9.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

9.94A.2002 Legal financial obligations—Wage assignments—Answer. (Effective July 1, 1990.) Upon receipt of a petition or motion seeking a mandatory wage assignment that complies with RCW 9.94A.2001, the court shall issue a wage assignment order as provided in RCW 9.94A.2004 and including the information required in RCW 9.94A.2001, directed to the employer, and commanding the employer to answer the order on the forms served with the order that comply with RCW 9.94A.2006 within twenty days after service of the order upon the employer. [1989 c 252 § 10.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

9.94A.2003 Legal financial obligations—Wage assignments—Amounts to be withheld. (Effective July 1, 1990.) (1) The wage assignment order in RCW 9.94A.2002 shall include: (a) The maximum amount or current amount owed on a court-ordered legal financial obligation, if any, to be withheld from the defendant's earnings each month, or from each earnings disbursement; and (b) the total amount of the arrearage or reimbursement judgment previously entered by the court, if any, together with interest, if any.

(2) The total amount to be withheld from the defendant's earnings each month, or from each earnings disbursement, shall not exceed twenty-five percent of the disposable earnings of the defendant. If the amounts to be paid toward the arrearage are specified in the payment order, then the maximum amount to be withheld is the sum of the current amount owed and the amount ordered to be paid toward the arrearage, or twenty-five percent of the disposable earnings of the defendant, whichever is less.

(3) If the defendant is subject to two or more attachments for payment of a court-ordered legal financial obligation on account of different obligees, the employer shall, if the nonexempt portion of the defendant's earnings is not sufficient to respond fully to all the attachments, apportion the defendant's nonexempt disposable earnings between or among the various obligees equally. Any obligee may seek a court order reapportioning the defendant's nonexempt disposable earnings upon notice to all interested parties. Notice shall be by personal service, or in the manner provided by the civil rules of superior court or applicable statute. [1989 c 252 § 11.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

9.94A.2004 Legal financial obligations—Wage assignments—Rules. (Effective July 1, 1990.) The department shall develop a form and adopt rules for the wage assignment order. [1989 c 252 § 12.]

(1989 Ed.)

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

9.94A.2005 Legal financial obligations—Wage assignments—Employer responsibilities. (Effective July 1, 1990.) (1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the offender is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple attachments against the offender.

(2) If the employer possesses any earnings due and owing to the offender, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The employer shall deliver the withheld earnings to the clerk of the court pursuant to the wage assignment order. The employer shall make the first delivery no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the offender until notified that the wage assignment has been modified or terminated. The employer shall promptly notify the clerk of the court who entered the order when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under RCW 9.94A.2003. The processing fee may not exceed: (a) Ten dollars for the first disbursement made by the employer to the clerk of the court; and (b) one dollar for each subsequent disbursement made under the wage assignment order.

(5) An employer who fails to withhold earnings as required by a wage assignment order issued under this chapter may be held liable for the amounts disbursed to the offender in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(6) No employer who complies with a wage assignment order issued under this chapter may be liable to the employee for wrongful withholding.

(7) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment order issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(8) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible. [1989 c 252 § 13.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

9.94A.2006 Legal financial obligations—Wage assignments—Form and rules. (Effective July 1, 1990.) The department shall develop a form and adopt rules for

the wage assignment answer, and instructions for employers for preparing such answer. [1989 c 252 § 14.]

~~Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.~~

9.94A.2007 Legal financial obligations—Wage assignments—Service. (Effective July 1, 1990.) (1) Service of the wage assignment order on the employer is invalid unless it is served with five answer forms in substantial conformance with RCW 9.94A.2006, together with stamped envelopes addressed to, respectively, the clerk of the court where the order was issued, the obligee's attorney, the petitioner, the department, and the obligor. The petitioner shall also include an extra copy of the wage assignment order for the employer to deliver to the obligor. Service on the employer shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the wage assignment order on the employer, the petitioner shall mail or cause to be mailed by certified mail a copy of the wage assignment order to the obligor at the obligor's last known post office address; or, in the alternative, a copy of the wage assignment order shall be served on the obligor in the same manner as a summons in a civil action on, before, or within two days after the date of service of the order on the employer. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection provides, or if any irregularity appears with respect to the mailing of service, the superior court, in its discretion, may quash the wage assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the defendant has suffered substantial injury due to the failure to mail or serve the copy. [1989 c 252 § 15.]

~~Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.~~

9.94A.2008 Legal financial obligations—Wage assignments—Hearing—Scope of relief. (Effective July 1, 1990.) In a hearing to quash, modify, or terminate the wage assignment order, the court may grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the defendant of all past-due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's payment towards a court-ordered legal financial obligation is current, the court may terminate the order upon motion of the obligor unless the obligee or the department can show good cause as to why the wage assignment order should remain in effect. The department shall notify the employer of any modification or termination of the wage assignment order. [1989 c 252 § 16.]

~~Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.~~

9.94A.2009 Legal financial obligations—Wage assignments—Recovery of costs, attorneys' fees. (Effective July 1, 1990.) In any action to enforce legal

financial obligations under this chapter, the prevailing party is entitled to a recovery of costs, including an award for reasonable attorneys' fees. An obligor may not be considered a prevailing party under this section unless the obligee has acted in bad faith in connection with the proceeding in question. [1989 c 252 § 17.]

~~Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.~~

9.94A.201 Legal financial obligations—Wage assignments—Sentences imposed before July 1, 1989. For those individuals who, as a condition and term of their sentence imposed on or before July 1, 1989, have had financial obligations imposed, and who are not in compliance with the court order requiring payment of that legal financial obligation, no action shall be brought before the court from July 1, 1989, through and including December 31, 1989, to impose a penalty for their failure to pay. All individuals who, after December 31, 1989, have not taken the opportunity to bring their legal financial obligation current, shall be proceeded against pursuant to RCW 9.94A.200. [1989 c 252 § 18.]

~~Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.~~

9.94A.205 Community custody—Violations. If an inmate violates any condition or requirement of community custody, the department may transfer the inmate to a more restrictive confinement status to serve the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation. If an inmate is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as inmate disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and sanctions. [1988 c 153 § 4.]

~~Effective date—Implementation—Application of increased sanctions—1988 c 153: See notes following RCW 9.94A.030.~~

9.94A.140 Restitution. (Effective until July 1, 1990.) (1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days and may set the terms and conditions under which the defendant shall make restitution. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to

amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant. [1987 c 281 § 3; 1982 c 192 § 5; 1981 c 137 § 14.]

Effective date—1987 c 281: See note following RCW 7.68.020.

9.94A.140 Restitution. (Effective July 1, 1990.) (1)

If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent

to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant. [1989 c 252 § 5; 1987 c 281 § 3; 1982 c 192 § 5; 1981 c 137 § 14.]

Purpose—Prospective application—Effective dates—Coverability—1989 c 252: See notes following RCW 9.94A.030.

Effective date—1987 c 281: See note following RCW 7.68.020.

9.94A.142 Restitution—Offenses committed after July 1, 1985. (Effective until July 1, 1990.) (1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days and shall set the terms and conditions under which the defendant shall make restitution. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any

person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after July 1, 1985. [1987 c 281 § 4; 1985 c 443 § 10.]

Effective date—1987 c 281: See note following RCW 7.68.020.

Severability—Effective date—1985 c 443: See notes following RCW 7.69.010.

9.94A.142 Restitution—Offenses committed after July 1, 1985. (Effective July 1, 1990.) (1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's

jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after July 1, 1985. [1989 c 252 § 6; 1987 c 281 § 4; 1985 c 443 § 10.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

Effective date—1987 c 281: See note following RCW 7.68.020.

Severability—Effective date—1985 c 443: See notes following RCW 7.69.010.

9.94A.145 Legal financial obligations. (Effective July 1, 1990.) (1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs[,] fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation.

(2) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. These obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years

of entry of the judgment and sentence, whichever period is longer. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(3) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(4) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(5) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(6) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(7) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.2001.

(8) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition and term of community supervision and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(9) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with written notice of payments

by such offenders no less frequently than weekly. [1989 c 252 § 3.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

9.94A.150 Leaving correctional facility or release before expiration of sentence prohibited—Exceptions. No person serving a sentence imposed pursuant to this chapter shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except for persons convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, the terms of the sentence of an offender committed to a county jail facility, or a correctional facility operated by the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the correctional facility in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the correctional facility. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department of corrections, the county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned early release time. In no case shall the aggregate earned early release time exceed one-third of the total sentence. Persons convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW may become eligible for community custody in lieu of earned early release time in accordance with the program developed by the department:

(2) When a person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW is eligible for transfer to community custody status in lieu of earned early release time pursuant to subsection (1) of this section, as computed by the department of corrections, the offender shall be transferred to community custody.

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers:

by applicable federal law. [1989 1st ex.s. c 5 § 2; 1985 c 443 § 12; 1973 1st ex.s. c 122 § 3.]

Severability—Application—Effective dates—1989 1st ex.s. c 5: See notes following RCW 7.68.015.

Severability—Effective date—1985 c 443: See notes following RCW 7.69.010.

7.68.035 Penalty assessments in addition to fine or bail forfeiture—Distribution—Establishment of crime victim and witness programs in county—Contribution required from cities and towns. (1) Whenever any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and seventy-five dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.65.090, 46.61.502, 46.61.504, 46.52.100, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

(3) Whenever any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer who shall monthly transmit the money as provided in RCW 10.82.070. Each county shall deposit not less than one and seventy-five one-hundredths percent of the money it retains under RCW 10.82.070 and chapter 3.62 RCW and all money it receives under subsection (8) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Penalty assessments under this section shall also be imposed in juvenile offense dispositions under Title 13 RCW. Upon motion of a party and a showing of good cause, the court may modify the penalty assessment in the disposition of juvenile offenses under Title 13 RCW.

(8) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.46.120, 3.50.100, and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section. [1989 c 252 § 29; 1987 c 281 § 1; 1985 c 443 § 13; 1984 c 258 § 311; 1983 c 239 § 1; 1982 1st ex.s. c 8 § 1; 1977 ex.s. c 302 § 10.]

Purpose—Prospective application—**Effective dates**—**Severability**—1989 c 252: See notes following RCW 9.94A.030.

Effective date—1987 c 281: See note following RCW 7.68.020.

Severability—**Effective date**—1985 c 443: See notes following RCW 7.69.010.

Court Improvement Act of 1984—**Effective dates**—**Severability**—**Short title**—1984 c 258: See notes following RCW 3.30.010.

Intent—1984 c 258: See note following RCW 3.46.120.

Effective dates—1982 1st ex.s. c 8: "Chapter 8, Laws of 1982 1st ex. sess. is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except sections 2, 3, and 6 of chapter 8, Laws of 1982 1st ex. sess. shall take effect on January 1, 1983." [1982 1st ex.s. c 47 § 29; 1982 1st ex.s. c 8 § 9.] Section 2 of chapter 8, Laws of 1982 1st ex. sess. is an amendment to RCW 7.68.070. Sections 3 and 6 of that chapter are codified as RCW 7.68.915 and 2.56.035, respectively. The remainder of the act took effect March 27, 1982.

Intent—**Reports**—1982 1st ex.s. c 8: "The intent of the legislature is that the victim of crime program will be self-funded. Toward that end, the department of labor and industries shall not pay benefits beyond the resources of the account. The department of labor and industries and the administrator for the courts shall cooperatively prepare a report on the collection of penalty assessments and the level of expenditures, and recommend adjustments to the revenue collection mechanism to the legislature before January 1, 1983. It is further the intent of the legislature that the percentage of funds devoted to comprehensive programs for victim assistance, as provided in RCW 7.68.035, be re-examined to ensure that it does not unreasonably conflict with the higher priority of compensating victims. To that end, the county prosecuting attorneys shall report to the legislature no later than January 1, 1984, either individually or as a group, on their experience and costs associated with such programs, describing the nature and extent of the victim assistance provided." [1982 1st ex.s. c 8 § 10.]

7.68.050 Right of action for damages—**Election**—**Effect of election or recovery**—**Lien of state.**

(1) No right of action at law for damages incurred as a consequence of a criminal act shall be lost as a consequence of being entitled to benefits under the provisions of this chapter. The victim or his beneficiary may elect to seek damages from the person or persons liable for the claimed injury or death, and such victim or beneficiary is entitled to the full compensation and benefits provided by this chapter regardless of any election or recovery made pursuant to this section.

(2) For the purposes of this section, the rights, privileges, responsibilities, duties, limitations, and procedures contained in RCW 51.24.050 through 51.24.100 as now existing or hereafter amended apply.

(3) If the recovery involved is against the state, the lien of the department includes the interest on the benefits paid by the department to or on behalf of such person under this chapter computed at the rate of eight percent per annum from the date of payment.

(4) The 1980 amendments to this section apply only to injuries which occur on or after April 1, 1980. [1980 c 156 § 3; 1977 ex.s. c 302 § 3; 1973 1st ex.s. c 122 § 5.]

Legislative intent—"Public or private insurance"—1980 c 156: See note following RCW 7.68.020.

7.68.060 Applications for benefits. (1) For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended

shall apply: *Provided*, That no compensation of any kind shall be available under this chapter if:

(a) An application for benefits is not received by the department within one year after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of dependents or beneficiaries accrued; or

(b) The criminal act is not reported by the victim or someone on his behalf to a local police department or sheriff's office within seventy-two hours of its occurrence or, if it could not reasonably have been reported within that period, within seventy-two hours of the time when a report could reasonably have been made.

(2) This section shall apply only to criminal acts reported after December 31, 1985. [1986 c 98 § 1; 1985 c 443 § 14; 1977 ex.s. c 302 § 4; 1975 1st ex.s. c 176 § 2; 1973 1st ex.s. c 122 § 6.]

Severability—**Effective date**—1985 c 443: See notes following RCW 7.69.010.

7.68.070 Benefits—Right to and amount—Limitations. The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 as now or

Severability—1977 ex.s. c 316: See note following RCW 9.020.

70.48.210 Farms, camps, work release programs, and special detention facilities. (1) All cities and counties are authorized to establish and maintain farms, camps, and work release programs and facilities, as well as special detention facilities. The facilities shall meet the requirements of chapter 70.48 RCW and any rules adopted thereunder.

(2) Farms and camps may be established either inside or outside the territorial limits of a city or county. A sentence of confinement in a city or county jail may include placement in a farm or camp. Unless directed otherwise by court order, the chief law enforcement officer or department of corrections, may transfer the prisoner to a farm or camp. The sentencing court, chief law enforcement officer, or department of corrections may not transfer to a farm or camp a greater number of prisoners than can be furnished with constructive employment and can be reasonably accommodated.

(3) The city or county may establish a city or county work release program and housing facilities for the prisoners in the program. In such regard, factors such as employment conditions and the condition of jail facilities should be considered. When a work release program is established the following provisions apply:

(a) A person convicted of a felony and placed in a city or county jail is eligible for the work release program. A person sentenced to a city or county jail is eligible for the work release program. The program may be used as a condition of probation for a criminal offense. Good conduct is a condition of participation in the program.

(b) The court may permit a person who is currently, regularly employed to continue his or her employment. The chief law enforcement officer or department of corrections shall make all necessary arrangements if possible. The court may authorize the person to seek suitable employment and may authorize the chief law enforcement officer or department of corrections to make reasonable efforts to find suitable employment for the person. A person participating in the work release program may not work in an establishment where there is a labor dispute.

(c) The work release prisoner shall be confined in a work release facility or jail unless authorized to be absent from the facility for program-related purposes, unless the court directs otherwise.

(d) Each work release prisoner's earnings may be collected by the chief law enforcement officer or a designee. The chief law enforcement officer or a designee may deduct from the earnings moneys for the payments for the prisoner's board, personal expenses inside and outside the jail, a share of the administrative expenses of this section, court-ordered victim compensation, and court-ordered restitution. Support payments for the prisoner's dependents, if any, shall be made as directed by the court. With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Any remaining balance shall be returned to the prisoner.

(e) The prisoner's sentence may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the work release facility. The earned early release time shall be for good behavior and good performance as determined by the facility. In no case may the aggregate earned early release time exceed one-third of the total sentence.

(f) If the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court. The sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.

(4) A special detention facility may be operated by a noncorrectional agency or by noncorrectional personnel by contract with the governing unit. The employees shall meet the standards of training and education established by the criminal justice training commission as authorized by RCW 43.101.080. The special detention facility may use combinations of features including, but not limited to, low-security or honor prisoner status, work farm, work release, community review, prisoner facility maintenance and food preparation, training programs, or alcohol or drug rehabilitation programs. Special detention facilities may establish a reasonable fee schedule to cover the cost of facility housing and programs. The schedule shall be on a sliding basis that reflects the person's ability to pay. [1989 c 248 § 3; 1985 c 298 § 1; 1983 c 165 § 39; 1979 ex.s. c 232 § 17.]

Application—1989 c 248: See note following RCW 9.92.151.

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.

70.48.220 Confinement may be wherever jail services are contracted. A person convicted of an offense punishable by imprisonment in a city or county jail may be confined in the jail of any city or county contracting with the prosecuting city or county for jail services. [1979 ex.s. c 232 § 19.]

70.48.230 Transportation and temporary confinement of prisoners. The jurisdiction having immediate authority over a prisoner is responsible for the transportation expenses. The transporting officer shall have custody of the prisoner within any Washington county while being transported. Any jail within the state may be used for the temporary confinement of the prisoner with the only charge being for the reasonable cost of board. [1979 ex.s. c 232 § 18.]

70.48.240 Transfer of felons from jail to state institution—Time limit. A person imprisoned in a jail and sentenced to a state institution for a felony conviction shall be transferred to a state institution before the forty-first day from the date of sentencing.

This section does not apply to persons sentenced for a felony who are held in the facility as a condition of probation or who are specifically sentenced to confinement in the facility.

In the event a probation and parole officer shall arrest cause the arrest and suspension of parole of a parolee or probationer in accordance with the provisions of this section, such parolee or probationer shall be confined and detained in the county jail of the county in which the parolee or probationer was taken into custody, and the sheriff of such county shall receive and keep in the county jail, where room is available, all prisoners delivered thereto by the probation and parole officer, and such parolees shall not be released from custody on bail or personal recognizance, except upon approval of the board of prison terms and paroles and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole. [1981 c 136 § 84; 1979 c 141 § 176; 1969 c 98 § 1; 1967 c 134 § 11.]

*Reviser's note: The "board of prison terms and paroles" was redesignated the "indeterminate sentence review board" by 1986 c 224, effective July 1, 1986.

Effective date—1981 c 136: See RCW 72.09.900.

Severability—Effective date—1969 c 98: See notes following RCW 9.95.120.

Suspension, revision of parole, retaking of violator, powers and duties of parole and probation officers, etc.: RCW 9.95.120.

72.04A.120 Parolee assessments. (Effective until July 1, 1990.) (1) Any person placed on parole shall be required to pay the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the parole and which shall be considered as payment or part payment of the cost of providing parole supervision to the parolee. The board may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

- (a) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.
- (b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.
- (c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the board.
- (d) The offender's age prevents him from obtaining employment.
- (e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.
- (f) Other extenuating circumstances as determined by the board.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments which shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment which is less than ten dollars nor more than fifty dollars.

(3) Payment of the assessed amount shall constitute a condition of parole for purposes of the application of RCW 72.04A.090.

(4) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the state general fund.

(5) This section shall not apply to parole services provided under an interstate compact pursuant to chapter 9.95 RCW or to parole services provided for offenders paroled before June 10, 1982. [1982 c 207 § 1.]

72.04A.120 Parolee assessments. (Effective July 1, 1990.) (1) Any person placed on parole shall be required to pay the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the parole and which shall be considered as payment or part payment of the cost of providing parole supervision to the parolee. The board may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

- (a) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.
- (b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.
- (c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the board.
- (d) The offender's age prevents him from obtaining employment.
- (e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.
- (f) Other extenuating circumstances as determined by the board.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments which shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment which is less than ten dollars nor more than fifty dollars.

(3) Payment of the assessed amount shall constitute a condition of parole for purposes of the application of RCW 72.04A.090.

(4) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the dedicated fund established pursuant to RCW 72.11.040.

(5) This section shall not apply to parole services provided under an interstate compact pursuant to chapter 9.95 RCW or to parole services provided for offenders paroled before June 10, 1982. [1989 c 252 § 20; 1982 c 207 § 1.]

Purpose—Prospective application—Effective dates—Severability—1989 c 252: See notes following RCW 9.94A.030.

72.04A.900 RCW 72.04A.050 through 72.04A.090 inapplicable to felonies committed after July 1, 1984. The following sections of law do not apply to any felony offense committed on or after July 1, 1984: RCW 72.04A.050, 72.04A.070, 72.04A.080, and 72.04A.090. [1981 c 137 § 34.]

Severability—1981 c 137: See RCW 9.94A.910.

**State of California
Sample Statute Related to
Joint Venture Projects and Restitution**

**§ 1752.82. Crime victim restitution fine; payment; deduction from wages;
disposition; record**

Whenever an adult or minor is committed to or housed in a Youth Authority facility and he or she owes restitution to a victim or a restitution fine imposed pursuant to Section 13967 of the Government Code or pursuant to Section 730.6 or 731.1 of this code, the director may deduct a reasonable amount not to exceed 20 percent from the wages of that adult or minor and the amount so deducted, exclusive of the costs of administering this section, which shall be retained by the director, shall be transferred to the State Board of Control for deposit in the Restitution Fund in the State Treasury in the case of a restitution fine, or, in the case of a restitution order, and upon request from the victim, shall be paid directly to the victim. Any amount so deducted shall be credited against the amount owing on the fine or to the victim. The committing court shall be provided a record of any such payments.

(Added by Stats. 1983, c. 954, § 5. Amended by Stats. 1987, c. 511, § 2; Stats. 1988, C. 181, § 2.)

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Introduction

A teacher in a juvenile correctional institution is brutally beaten by one of her students. Two correctional officers are held hostage for nine hours by inmates demanding better living conditions. A parole agent is shot while on a supervision visit to a parolee at a halfway house.

Such scenarios are becoming more common in both institutional and community corrections. On a daily basis, correctional professionals assume many risks just to get their jobs done. When such risks result in critical incidents -- often violent, usually extremely traumatizing to the victims and witnesses involved -- corrections agencies should be prepared to deal with the aftermath.

Thirty-two adult correctional agencies now have written policies concerning how to handle critical incidents in which personnel become victims or witnesses. Twenty-seven juvenile correctional agencies and 16 parole agencies also have committed their policies to writing.

A number of agencies are also implementing programs, policies and guidelines to assist not only staff members who have been victims of or witnesses to critical incidents, but to help the family members of such staff as well.

	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
# States with Programs and Protocols to Assist Staff Involved in Critical Incidents	29	24	14
# States with Programs and Protocols to Assist Staff Members' Families	19	9	7

There are a number of different services correctional agencies can implement to help victims and witnesses recover when they are involved in critical incidents. Some of these include information and referral, mental health counseling, and criminal justice-related programs extended to victims' family members as well.

Number of States Providing Services to Victimized Staff

	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
In-house Mental Health Counseling	15	3	5
In-house Victim/Witness Support Groups	17	4	5
In-house Support and/or Counseling for Victims' Families	12	4	5
Outside Referrals for Individual Counseling	19	9	6
Outside Referrals for Family Counseling	18	9	6
Outside Referrals to Community-Based Victim Service Programs	16	7	6
Outside Referrals to Police and/or Prosecutor-Based Programs in Cases Involving Criminal Prosecution	18	8	5

Critical incidents, involving actual or threatened violence to correctional staff, can be treated as crimes which should be investigated by law enforcement agencies or treated as internal matters that should be dealt with administratively. In most states, the disposition of such critical incidents is decided on a case-by-case basis:

Number of States in Which Critical Incidents are Treated As:

	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Criminal Matters	3	5	1
Administrative Matters	2	1	0
Both, Depending on the Specific Incident	42	33	38

A majority of adult correctional agencies (33) have written policies guiding decisions on whether to treat critical incidents as administrative or criminal matters. Twenty-eight juvenile agencies and ten parole agencies have developed such written guidelines.

In a surprising number of states that have victim notification programs, correctional personnel who are victims or witnesses to crimes within their agencies are **not** eligible to be notified of any relevant administrative or prosecutorial actions resulting from their critical incidents:

	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Eligible for Notification	31	18	35
Not Eligible for Notification	15	20	4
Not Sure	1	1	2

Many critical incidents result in agency employees incurring expenses for things such as medical treatment, psychological counseling, time lost from work, etc. In some states, such expenses are covered by workers' compensation, crime victim compensation funds, or a combination of both. In other states, no compensation is offered to victimized correctional personnel:

	<u>Fully Covered</u>	<u>Partially Covered</u>	<u>No Coverage</u>	<u>Not Sure</u>	<u>Depends</u>
Adult Agencies					
Workers' Compensation	13	25	1	8	1
Victims Compensation	2	26	9	10	1
Juvenile Agencies					
Workers Compensation	18	11	3	6	1
Victims Compensation	1	11	18	8	1
Parole Agencies					
Workers Compensation	8	11	0	21	1
Victims Compensation	5	12	3	21	0

Overview of Staff Victimization

The "victimization of corrections and parole staff" is a phrase that recalls the worst of occupational hazards -- to be killed or injured in the course of a prison riot or critical incident. That unspoken danger is driven home in a piece of paper that every custodial or treatment staff member, every parole officer, indeed, every visitor signs before entering most prisons in the United States: a form explains that, in the event of a disturbance, there will be no hostages, that is, no one held hostage by inmates will be the subject of any bargaining by the authorities.

And the grim possibility of prison riots occurring is not a thing of the past:

- From November 21 through December 4, 1987, prison riots and hostage-takings took place at the Federal prisons at Oakdale, Louisiana and Atlanta, Georgia.
- In June 1988, at the Wyoming State Penitentiary, two inmates took two prison counselors hostage for some 12 hours.

- In the afternoon of October 25, 1989, a riot broke out at the Pennsylvania State Correctional Institution at Camp Hill. Over two days, inmates destroyed 15 of the prison's 31 buildings, took 17 staff members hostage, and injured 123 employees and inmates. No one died and no one escaped.

Just as the Attica, New York prison riots of a generation before prompted major, sophisticated reforms on how to contain and subdue inmate uprisings, so did the dual riots in Federal facilities in 1987 help to usher in sophisticated new tools to help treat some of the worst injuries that are inflicted on prison staff during any kind of disturbance -- the psychic trauma that affects virtually all normal people who have been credibly threatened with their own violent death.

Few correctional staff members dwell on the specter of a riot. But most are vigilant, day in and day out, of the dangers inherent in working with people who have already demonstrated their potential for violence. Individual staff members can be traumatized by even "minor" incidents, and sometimes, a whole workforce can show the effects of these strains. Consider three examples, all recent, all from the same Mid-western state.

- A rookie corrections officer was being shown the range in the segregation unit of a maximum security prison. Assured that it was safe to walk the range, she was spattered with urine and feces by many inmates. She was not allowed to change her uniform until the end of her shift and, the next day, was assigned to guard the same range.
- A female caseworker was raped and beaten in her office; the local prosecutor found technical problems with the case, so the rapists were allowed to plead to a minor charge.
- By the time officers ended a recreation-yard fight, one veteran officer had been severely kicked and beaten with free weights. His two assailants lost their good-time credits; investigators from the department and the state police concluded that no criminal charges should be filed.

Thus, the dangers come from inmates and sometimes from unsupportive employers. And they can come from outside the walls. As every experienced law enforcement

officer knows, one of the more hazardous assignments is to serve arrest warrants on major felons -- a fairly routine duty for many parole officers.

American corrections is continuously seeking out new equipment and skills to reduce the incidence of violence committed against staff, and to hasten rescue efforts when violence erupts. Now those administrators are looking for ways to reduce the lasting harm that may come to any staff member who has been subjected to any actual or threatened assault -- the kind of psychic harm that can reduce the staff member's effectiveness or cause an early retirement.

Occupational Stresses Affecting Correctional and Parole Staff

While this notebook addresses incidents of acute stress affecting line staff, there is evidence that employees who face high levels of chronic stress are more vulnerable to harmful effects when a critical incident occurs. Note the following key stress-producers in all human services: high caseloads, narrow role definitions, lack of popular or political support, and high paperwork demands. Corrections staff have these in abundance. And consider some researchers' pictures of the stresses affecting correctional officers specifically:

- "With Charges: Disorder of uncontrolled and uncontrolled inmates; a harassing inmate; the threat of violence against them by inmates; the experience of violence, particularly unexpected; their inability to retaliate or punish in kind.
- "With Co-workers: Competition for choice slots and assignments; personality clashes which would have taken place in any setting; fear they will not be backed up or protected by their co-workers; belief that they are being excluded.
- "With Superiors: Pressure designed to force them to resign or ask to transfer; changes of assignments -- from low duration contact to high duration contact -- with dangerous inmates; no backing when attacked or goaded by inmates; no support in dealing with public problems with visitors, protestors, press." (Carroll M. Brodsky, "Work Stress in Correctional Institutions," *Journal of Prison & Jail Health*, Vol. 2, No. 2, Fall/Winter, 1982. p. 81).

The following excerpts contain a "candid" description of a correctional officer's job:

- "A candid job description for a correctional officer position would read something like this: Excellent employment opportunity for men and women who are willing to work eight-hour-shifts at varying times. Applicants must enforce numerous rules with few guidelines. They must be willing to risk physical harm, psychological harassment, and endure the threat of inmate lawsuits, which could involve civil liability. They must be willing to spend eight hours each day among people who do not like them. They will not be allowed to fraternize with these people, but are expected to control, as well as help them." [Etc.] (Hawkins, R. & Alpert, G.P. (1989) American Prison Systems: Punishment and Justice. Engelwood Cliffs, NJ: Prentice-Hall.

Whether it is the constant stresses of the officer's job, or the string of acute stresses he or she endures, or (most likely) both, it is plain that stress takes its toll:

- "While correctional officers display higher than average rates for some stress-related illnesses, along with alcohol and other health problems, many deny feeling any debilitating effects." ("Occupational hazard?: Stress has many implications for the administrator," M.J. Mobley, Corrections Today, 47, 18-20. December, 1985.)
- "Correctional officers have twice the national average divorce rate and one of the highest heart attack rates of state employees. One study soberly reported correctional officers' life expectancy to be 59 years." ("Stress: How Corrections Personnel Can Anticipate, Manage, and Reduce Stress on the Job." J.C. Moracco, Corrections Today, 47, 22-26. December, 1985.)

And one has always to remember that American correctional staff are Americans, and are thus vulnerable to the effects of our high rates of common, everyday crime affecting us all. Estimates are that some 20 percent of all burglary victims and 60 percent of all rape victims show evidence of long-term stress reactions as much as 10 to 15 years after the attack. Eighty to ninety percent of survivors of homicide victims are said to suffer long term stress reactions.

As to the effects of the acute, job-related stresses correctional officers face, there are some cues:

- In a study conducted on hostage taking in the Netherlands involving nearly 500 people who had been held hostage in eight separate incidents, one-third of the ex-hostages studied were found to suffer from negative effects resulting from the hostage-taking up to nine years later. Twelve percent of the ex-hostages were found to be still in need of aftercare and help. (Journal of Traumatic Stress)

Before turning to the techniques that help reduce the negative impact that crisis incidents cause, it is important to emphasize the common problems that make the impact worse.

First, ignoring the problem is itself a problem. Critical incidents are good predictors of severe, long-term stress reactions if there is not appropriate intervention.

Second, circumstances of the event itself are good, common-sense predictors of even greater levels of harm. Elements that add to the severity in critical incidents include the duration of the critical incident; the numbers involved as inmates or correctional officers; the level of injury or property damage involved; and the amount and sensationalism of media coverage of the event.

And third, a crisis intervention service in the aftermath of a critical incident is not alone enough. Victims in such cases will suffer more if the environment they face in the aftermath is blaming, stigmatizing, isolating, mocking, or otherwise unsupportive. Unfortunately, these conditions and the "second assaults" they produce seem to be the norm, not the exception -- across all occupations and all kinds of personal traumas.

In summary, "traumatic stress", as it is called, affects the morale of staff and the personnel budgets of agencies. Efforts to treat these injuries have a practical, cost-containment appeal to many corrections and parole administrators.

But there is also a human dimension that has spurred the use of "crisis intervention" and "critical incident debriefing" techniques first in law enforcement and other emergency responders, and now in corrections. The use of these services is a way for leaders to acknowledge to their subordinates the dangerousness of their job, and to say "I'm sorry" in the most meaningful possible way when "one of our own" gets hurt.

The Impact of Victimization on Staff

Although it is the emotional harm that is the special concern of this section, all dimensions of the injury must be considered and addressed to respond effectively. Consider the emotional side of the following:

Financial Impact

- A residential burglary results in an average loss of \$900 to the household's residents.
- Aggravated assault results in a loss of some 4,718,200 paid work days each year. Staff may have to dip into vacation time or have wages docked due to such injuries.
- Cost of property replacement may be prohibitive; insurance often covers no more than 10 to 15 percent of replacement costs.
- Financial injuries may be unpredictable -- there may be unexpected medical costs months or years later.
- "Financial injuries" may include: clean-up costs in the home after a murder, time away from work to file insurance claims or go to court, transportation to police departments, child care while in court, document replacement, etc.
- The murders of Keith and Betty Jane Spencer's four boys in one of the horrible "thrill killings" episodes in 1977 made national news. Unreported was the fact that the crime resulted in out-of-pocket costs to them of \$22,000.

Physical Impact

- "Minor" injuries may have major consequences; the violation of the body and the invasion of personal space may cause some victims to grow increasingly untrusting and fearful.

- Catastrophic injuries should be viewed not only in terms of their immediate pain and expense, but also in terms of the change of identity they impose on the victim, and in terms of long-range cost. A paraplegic may need vocational rehabilitation, physical therapy, and more operations through the years, and faces a shortened life expectancy.
- Murder is the ultimate physical violation -- while the direct victim is dead, surviving families and friends may suffer the rest of their lives as a consequence of the brutality.

Emotional Impact

Turning to emotional issues directly, it is useful to start with some basic ideas on stress theory developed by Dr. Hans Selye and others:

- Individuals exist in normal states of equilibrium, where they establish their own, personal boundaries, usually based on a certain order and understanding of the world.
- Occasional stressors will move the individual out of the state of equilibrium but, most people most of the time stay within a familiar, emotional range.
- Trauma throws people so far out of their range of equilibrium that it is difficult for them to restore a sense of balance in life. And when they do establish a new sense of balance, it will often be different than prior to the trauma, with new boundaries and new definition.

Trauma may be precipitated by an "acute" stressor or many "chronic" stressors.

- An acute stressor is usually a sudden, arbitrary, often random event such as stranger crime, a natural disaster, man-made disasters or acts of war.
- A chronic stressor is one that occurs over and over again -- each time pushing the individual toward the edge of his or her equilibrium, or beyond: chronic child, spouse, or elder abuse; chronic illness; constant job tension; etc.

In contrast, "developmental" stressors, come from transitions in life, such as adolescence, marriage, parenthood, and retirement. But just as chronic stressors can make anyone have a severe reaction to a "minor" crisis, so can someone going through a developmental crisis be especially vulnerable to the effects of an unexpected mini-disaster in their lives. The same may even be true for someone who is taking on such "planned" stressors as beginning an advanced degree, accepting a new job, or planning a vacation.

The Crisis Reaction: Initial Physical Responses

Most animals respond to sudden threats in measurable, physical ways. For humans, these often include physical shock, disorientation, and numbness. The phenomenon of "frozen fright" shows a psycho-physiological incapacity to acknowledge a dangerous threat.

" 'Your son was murdered last night.' Dorothy's arms and legs went numb. The words hit her face like a brick. She couldn't move; the bench was like stone and offered no comfort. She was out there alone with those words and this detective and the unbelievable thought that her Sheldon was no longer alive." (D. Magee, What Murder Leaves Behind, 1983, Dodd, Mead & Co.: NY.)

The "fight-or-flight" instinct describes a psycho-physiological response to feelings of danger that are acknowledged:

- "As other council members ducked behind the U-shaped table, City Attorney William Dowell of Burlington unsuccessfully tried to wrest the gun from Davis. As members of the audience scattered and ran for help, Davis moved behind the table where other members of the council were crouched." (Description of the December 10, 1986 murder of the mayor of Mt. Pleasant, Iowa in The Des Moines Register, December 15, 1986.)
- The adrenaline begins to pump through the body, the blood rushed to "protect" the main body cavity, and the body may relieve itself of excess materials through regurgitation, defecation, or urination, the better to "do battle" or run away.
- "Fire fighters still have nightmares about what they saw when they stumbled through smoke into the Happy Land club on an early Sunday morning one year ago today. There on the dance floor, dozens of partygoers dressed in night-on-the-town clothes lay slumped on the

ground, not burned but covered in a fine layer of soot. People still sat at the bar, holding drinks. Couples embraced. There was not a life left to be saved. Some fire fighters vomited. Some just wandered, dazed." (The Washington Post, March 25, 1991)

- The heart rate increases, often causing hyperventilation, sweating, etc.
- The body experiences heightened sensory perception. At first, typically, one sense only will become acute, to the exclusion of all others. But as the physical mobilization takes place, other senses will increase in vulnerability and there may be several that are dominant at various times. It is important to recognize that all senses may be involved and, while sights or sounds may leave indelible memories, so may things touched, smelled or tasted.
- "Betty Jane spoke into the silent room, 'Is anybody alive?' There was no answer. Her ears began to clear and she heard what sounded like running water. The noise came from the floor beside her. She realized it was blood gushing from the boys." (D. Magee, What Murder Leaves Behind, 1983, Dodd, Mead & Co.: NY.)

Heightened physical arousal associated with fight or flight cannot be indefinitely prolonged. Eventually it will result in exhaustion. Whether the body's reaction to exhaustion is sleep or unconsciousness, the response will be experienced as a break with the victimization. So long as a person stays awake, he or she is in touch with a "present" that preceded the victimization. Once sleep overcomes one, that person moves onward to the future. The victimization and the loss of loved ones, property, or other things are part of the past.

So it is not unusual for people to wake from the state of exhaustion and become overwhelmed with grief and guilt because they have been separated from the immediacy and the intensity of the victimization itself; or perhaps, they are overwhelmed with the guilty realization that they had given up the fight to "undo" the horrible event when collapsed in sleep.

"Total hysteria spread when we found out there were over two fatalities,' [DeDe] Dunlap said. 'I didn't know how to feel at first, but now I am completely drained with no energy left.'" (On a car crash that killed 5 co-eds and injured 11 others, The Daily Mississippian, Friday, March 27, 1987.)

These physical dimensions of trauma are helpful to crisis counselors to know about, but the same is true for victims, colleagues, and supervisors. They help explain why, when our "animal instincts" are engaged, we sometimes react slowly, in disbelief, or sometimes have no memory of words clearly spoken, or are sometimes propelled into superhuman rescue efforts, and so on.

These all tend to be instinctive behaviors that can be influenced by training and practice, but often by only a small degree. Understanding these facts can scale down the tendency to blame certain people after an emergency, to engage in self-blame, or to overdo the praise given to heroes who don't feel particularly heroic.

The Crisis Reaction: Initial Emotional Responses

The typical emotional response to the first signs of threat parallel the body's response. Emotionally, we typically react with shock and disbelief, with our psyches trying to interpret the signals in the least threatening or frightening way possible. This stage may last for only a few moments or it may go on for months, with initial "disbelief" becoming a full-blown case of "denial."

The shock may be directed as much at the senselessness and randomness of the event as at the event itself. The blow is not just one against a human body but against our trust in the orderliness of the world. Poets and philosophers have struggled through the ages with this scary part of life. The film, "The Last Train From Madrid" (set in the Spanish Civil War), has this theme, in the view of one critic:

"In 'The Last Train from Madrid', we are surrounded by fear of imminent death, but, horribly, we lack design. As humans, we wish or perhaps even need to understand the cause or to place blame -- on an enemy, on politicians who betrayed us, on cupidity or moral squalor of a person or a class of people -- because blame implies purpose, and purpose, meaning. 'The Last Train From Madrid' suggests that design may not govern in a thing so small as human life and death. ... Oh, sorrow, sorrow, sorrow -- the ripe life cut by hate without purpose, by anger lacking reason, by murder without blame."
"Purpose, Blame, and Fire," Harper's Magazine, May 1991, pp. 71-78.)

"Regression" accompanies this shock, in which the victim often assumes a childlike state -- the emotional aspect of having the "primitive" center of the brain take command over the parts that are trained to perform more complex reasoning functions.

Feelings like a child again may be reflected in victims' reactions to the first helper on the scene. They may turn the responding law enforcement officer into a "daddy" or "mommy" figure, for example. In a state of terror, they may even do it to their attacker;

"Traumatic infantilism compels victims to cling to the very person who is endangering their life. It accounts for the obedient, placid, compliant, and submissive behavior seen in frozen fright. Even remembering terror, when the criminal is no longer present, can precipitate traumatic psychological infantilism." (Martin Symonds, "Victim Response to Terror", in Victims of Terrorism, ed. Frank M. Ochberg and David A. Soskis, Westview Press: Boulder, Colorado, 198).

This regression contributes to the phenomenon of the "Stockholm Syndrome" with people who are held hostage (in which the captive's attachment to the captor persists after the captive is free and the criminal is in jail).

It is rare to see an ex-hostage stay under the influence of his or her tormentor. But it can happen, and is understandable. Dr. Symonds writes:

"A supermarket manager, for example, was held up by criminals and placed in a meat freezer. Four hours later he was released by the police. Six weeks following the incident, the manager's assailant called him at work and said, 'Charlie, I am the cat that put you in the freezer. Do you want me to put you in there again?' Charlie said, 'No!' The criminal said, 'O.K. You're a good boy, I want you to take the money from the safe and put it into a brown paper bag. Put it on the take-out counter. I'll pick it up. Charlie, remember the freezer.' The manager, a battle-honored World War II veteran, did just that. The detectives couldn't understand how someone could be robbed by telephone. Charlie, the manager, said, 'You don't know what it is like to be locked in a freezer and feel you are going to die.' (Ibid.)

The Crisis Reaction: Experiencing a Cataclysm of Emotions

Typically, after the shock has worn off, perhaps hours or weeks later, the survivor of a traumatic event will start to have very strong emotional reactions about what happened. What is hard about this stage is the intensity of the feelings ("I have never hated anyone as much in my life, and it makes me feel dirty," said one victim), and their tendency to kick in at any time ("It's awful," said another victim. "I never know when I might start crying again.")

Just which set of emotions may seize the survivor, and in what sequence, cannot be predicted, and that too adds to the survivor's feelings of being out of control. These are the kinds of emotions that contribute to the cataclysm:

Anger or rage - The anger may be directed at God, human error, the assailant, family members, the criminal justice system, and even oneself. Not everyone feels intense anger, but many do. The same is true with a desire for vengeance, although that desire usually subsides even if the anger does not. Where extraordinary cruelty has occurred, individuals may not only want revenge, but want to exact it.

As indicated before, hatred often comes with the anger, and many victims get angry at the bitterness they are feeling and at the person or thing that put it there. Their sense of rage can cause other secondary problems; as social and religious beings, people sometimes are as disapproving of violent emotions as they are of violent behavior. "You don't mean that," we say to a friend who says he wants to tear so-and-so apart. Wrong.

Fear or terror - In the aftermath of a catastrophe that involves life-threatening injury or death, there is usually a sense of terror that lasts long after the danger has passed. Many people talk about having seen their own death, and the fear of that death is intense. Robert Lifton refers to the "death imprint". Terror is also a residual emotion that emerges from the physical response of panic. It may become the foundation for panic attacks in the future.

Again, this emotion can have extra complications for a victimized correctional officer who, after all, carried around a healthy dose of fear even before the feared event happened:

"At Concord [State Prison], which has three times as many inmates as cells, many inmates sleep in hallways, dormitories, and telephone rooms. Someone has to patrol those areas, which are far less secure than cellblocks. For example, at the far end of the prison grounds, a tailor shop has been converted into sleeping quarters for 40 inmates... The tailor shop sits over the prison's laundry room, and the rising steam has pushed the dorm's temperature past 80 degrees. In that heat, it wouldn't take much to touch off a riot.

'It's the farthest post away from the institution,' says the officer... 'By the time you press the body alarm and help comes, it might be too late.'

'Every 45 minutes, [he] walks down the center aisle between the bunks, checking 'to see if everyone's still alive.' Asked if he's scared, he says, 'I can't say no. I just don't show it.'" (Golden, "Undermanned and Vulnerable" Boston Sunday Globe Magazine, T 7/30/89, p. 37)

It seems natural that fearfulness might turn to terror, even crippling terror, in someone who came close to death. But we always need reminders that victim reactions are never automatic. Richard Morefield's experience is one such reminder.

He was one of the hostages held in Iran from 1979-1980, and like others, he was often the victim of his captors' repeated "games" of Russian Roulette. Nothing is better suited to induce terror in a person. Yet it was also true of Richard that his oldest son, and other co-workers, had been murdered execution-style by a robber in 1976. So when Richard's captors put a gun to his head, he felt that dying wouldn't be the worst thing that ever happened to him. That had already happened.

Frustration - Frustration is a by-product of the feelings of helplessness and powerlessness during the event which, like the sense of terror, persists even when the danger is gone. It also persists when others step in to make decisions about the victimization: whether to put the officer on leave, what if any charges to file, etc. Frustration can be further compounded when the crime takes place in a setting already affected by a sense of powerlessness -- like many correctional facilities:

"Some officers have surrendered physical space to the inmate overflow. At Norfolk State Prison, for example, officers no longer have their own room for writing disciplinary reports. But, more significantly, many officers say they are losing control over inmates and are more vulnerable than ever to assault and injury. They

agree...that the sheer weight of numbers has shifted power to their prisoners." (Goldern, op. cit., p. 36)

Confusion - Confusion stems from the "why me?" question that plagues many victims, a question that usually has no answer. For the correctional officer, this existential confusion is made more complex because s/he is trying to "do good" either by protecting society or by preventing recidivism. To become an innocent victim outside of the institution seems grossly unfair. To become a victim on the job, and to have such victimization be minimized or ignored, can be even more confusing.

Most victims tend to seek rationality in the world, and so the unanswered questions cause more frustration. Often in the effort to establish an answer, victims turn inward to find the culprit.

Guilt or self-blame - Self-blame is so common, even when there are few facts to justify it, that psychiatrists Martin Symonds says that victims generally go through an "I-am-stupid" phase. This relates to "cognitive guilt," the mind's effort to understand the event and hence identify behaviors or attitudes through which the victim brought the event upon himself/herself.

Cognitive guilt may be legitimate, as when a survivor can identify reasonable contributory behavior that made the crime worse than it could have been. That type of guilt should be acknowledged, though it never excuses the wrongdoing of others. Illegitimate cognitive guilt focuses on the "would've, could've, and should've" over which no one has control.

There is also "survivor guilt" among those plagued with questions about why they survived while others died or why they were rescued and others were not:

"I was preparing for execution. Making up a balance. My life philosophy is that there is some plus and some minus and everyone comes up close to zero. ...I was 50 years old. It had not been a bad life...'

'But you weren't executed,' I said. 'How did you feel?'

'You won't believe this. Disappointed.'

'I had the impulse to say, "Let that man go and let me go in his place," but the words stuck...'

'I felt ... I feel guilty.' He looked sad."

(Frank Ochberg, "A Case Study: Gerard Vaders," in Victims of Terrorism, op. cit.)

Grief or sorrow - intense sadness over losses is not uncommon and is often the most powerful reaction to a crime in the long term.

While depression is normal and understood, protracted sadness can be confusing to the victim and others. Many victims go through (or try to go through) a cycle of grief, even when no one has died. For we can grieve over the destruction of a family heirloom, or over the lost sense of safety and security we invest in our homes, or over a missing sense of pride in ourselves and our work, to cite three examples.

Reconstruction of Equilibrium

It is misleading to speak of a victim's "recovery" from a very traumatic event. "Recovery" suggests that the wound is gone, the patient is cured, everything is back to normal. It is more helpful to think of the process of getting better as one in which the emotional roller-coaster stops lurching so much, with lower high points, and higher low points.

And for most, getting better means that they are constructing a new and different equilibrium for themselves. They are somewhat different people with a somewhat different outlook, with a somewhat different (and usually sadder) range of normal emotional swings.

That reconstruction process can be very difficult and take a long time -- often much longer than the victim or loved ones expect. It involved living through bad days and good days and, for some, becoming satisfied if they can count more good days than bad at the end of the process.

Responses of Individuals and Institutions

The attitudes of co-workers and administrators affect the progress of someone working on reconstructing his/her emotional life after a trauma. The influence of colleagues, for good or bad, is greater if the trauma was job-related. Unfortunately, high-risk professions, like corrections, tend to have unwritten expectations of staff that work against the victim.

A "Tough" Job

First, corrections personnel tend to think of themselves as "tough" -- people who can face difficult situations and survive. Stress is not a negative factor in life -- it is valued. Normal emotional reactions to victimization are seen as a sign of weakness. Anger may be acceptable as a response, but fears, tears, confusion, or self-blame may be denied or suppressed. Even anger must be controlled.

The Stigma of Victimization

As Dr. Morton Bard has repeatedly pointed out in his lectures and writing, victims are seen as losers in our society. The criminal is the success and the victim is the failure in a fight the victim did not pick. Victims are further stigmatized because co-workers and others want to distance themselves from the victimization. The closer a colleague is to a victim, the more vulnerable the colleague may feel. By blaming or isolating the victim, co-workers can continue to believe that they won't be victimized themselves.

"Business as Usual"

There is an organizational imperative to keep staff working and on the job. This fuels the tendency to re-establish routines and to conduct business as usual as quickly as possible following a critical incident or staff victimization. The frustration of having to do everyday tasks by an individual who has felt vulnerable, in danger, and perhaps suffered an injury or property loss is often overwhelming.

Involvement in the Criminal Justice System

The department's internal disciplinary system may give some sense of justice or vindication to a victimized staff member. If not, the staff member has a chance to voice his or her displeasure. This is less true if the case deserves prosecution, in the staff member's eyes, and little or nothing happens.

In many jurisdictions, the criminal justice system is still unresponsive to victim issues, most particularly the emotional costs of crime on victims. Many of the new "victims' rights" seek to answer the victim's emotional needs even more than they seek to influence decisions.

Thus, the right to be consulted over a charging decision, or to sit in the courtroom during a trial, or to file a victim impact statement may help victims feel they had some control, that they got their stories told, even if the results were the same as if the victim had been denied all these rights.

Unfortunately, victimized correctional officers may not be afforded even these protections. Assaults may be dismissed as not worthy of further investigations or prosecution. It may be considered a waste of resources to pursue prosecution against offenders who already are serving lengthy sentences. Or, internal investigation with administrative hearings may be substituted for criminal proceedings. In such cases, victims' right to information, notification, and participation in the criminal justice system may not be required in administrative hearings.

Workers Compensation and Victim Compensation

As a rule, workers compensation is available for all staff who are victimized on the job. But the application process may be complicated and the decision-making process is not always smooth. A Washington, D.C. teacher was denied workers compensation a few years ago after she had been raped in a school on the grounds that rape was a danger that was inherent to the job -- it was a risk she assumed when she took the job.

Moreover, some workers compensation programs are not well schooled in the emotional injuries victims suffer, and don't underwrite needed counseling or therapy. In many departments, such services are available only through an Employee Assistance Program; many of these are only now learning to add trauma counseling to their bank of skills.

While victim compensation is available in virtually all states, most exclude coverage to correctional staff. Administrators may want to check this out, especially if their employee benefit package does not cover stress-related counseling that victim compensation might pay for.

Appropriate Treatment for Victims and Survivors of Victimization

Administrative Policies for Responding to Crisis

Corrections and parole administrators can see to it that victimized employees get more than traditional medical care. Leaders can also assure their staff that, after an assault or other traumatic event, they will get the help of specialists in crisis counseling and the support of supervisors and colleagues.

This structure of help begins with the department's policies. The following may aid in the drafting of such policies. They begin with slightly different purpose and definition clauses for corrections and parole, and then present a common, detailed outline on how the service might be organized and run.

Correctional Institutions:

- **Purpose** - employees who are involved in violent, work-related critical incidents are at risk for immediate and long-term emotional trauma. Immediate crisis intervention for individuals or groups in the aftermath of a critical incident or victimization may help avoid or reduce trauma-related problems. In order to provide such assistance to its employees, the Department shall establish and maintain a crisis response program.
- **Definition** - the crisis response program shall provide crisis intervention, information and referral, and supportive counseling to all employees who are involved in a violent assault, an event causing serious injury or death, a hostage-taking, a riot, or other type of critical incident.

Parole Agencies:

- **Purpose** - parole officers who are injured or assaulted by parolees are at high risk for immediate and long-term emotional trauma. Immediate crisis intervention for such individuals may help avoid or reduce trauma-related problems. In order to provide such assistance to its employees, the Agency shall establish and maintain a crisis intervention program.

- **Definition** - the crisis intervention program shall provide counseling, information and referral and supportive counseling to all employees who are involved in a violent, work-related critical incident.

Protocol for Crisis Intervention in Cases of Violent Incidents

Definitions:

- A "crisis event" is one that is trauma-inducing in the life of an individual or his or her loved ones.

- A "critical incident" is one that places more than one staff member in fear for their lives or the lives of colleagues, or causes life-threatening injury or death.

The Goals of Crisis Intervention:

- To re-establish a sense of control and order in the aftermath of a chaotic crisis event;

- To assist the victim(s) in telling the trauma story and validating his or her reactions;

- To help the victim prepare for events that will happen in the aftermath of the crisis and to plan for predictable emotional reactions; and

- To assist the victim in beginning to reconstruct his or her life in the aftermath of the crisis.

Guidelines for Crisis Intervention Response:

- The institution or agency will select employees volunteering to serve as crisis intervention specialists individually and in teams.
 - When one individual is a victim, one-to-one crisis intervention is appropriate.
 - When more than one individual is a victim, a crisis intervention team may be dispatched. A chaplain will always be part of a crisis intervention team.
- All employees selected for crisis intervention response will participate in a minimum of 40 hours training prior to responding to a crisis. Such employees shall have minimum of 24 hours continuing education in crisis intervention each year. The content of the training shall include:
 - understanding the crisis reaction;
 - learning about long term stress-reactions;
 - developing and expanding crisis intervention skills;
 - developing and expanding group debriefing/defusing skills;
 - coping techniques for dealing with stress;
 - nature of victimization and its impact;
 - cross-cultural crisis counseling techniques; and
 - issues related to death, dying, grief and loss.
- Such employees shall be encouraged to volunteer with local crisis services to get needed experience and to maintain skills.

- In certain cases, it may be desirable to ask for free, outside assistance (whenever available) if the event is one in which the victim feels particularly insecure about confidentiality issues or prefers such assistance. A local victim service agency that does crisis intervention may be an appropriate source for such assistance. If this is a possibility, arrangements for crisis intervention services should be made prior to a traumatic event.

- In larger crises, it will be desirable to ask for assistance from such an outside agency either to serve as a separate team or to enlarge the in-house team.
NOTE: victim services agencies may have skilled crisis intervenors to work one-on-one, but may not have staff and volunteers trained to serve on a crisis response team to deal with multiple victimizations. Bearing that in mind, the following situations should prompt consideration of an outside source of assistance:
 - when the designated crisis intervention employees are themselves in trauma;
 - when an outside team may minimize political friction within the agency;
 - when an outside "presence" is desired for political purposes; and/or
 - when employees want outside intervenors because of privacy or confidentiality concerns.

- In response to large crises, the crisis intervention response will be provided by a team of a minimum of four crisis intervenors. In cases of numerous deaths or injuries, it may be desirable to have a team with as many as ten intervenors.

- The crisis intervenor or team will be called as soon as possible after the crisis. They will receive a briefing by officials prior to providing crisis intervention.

- The crisis intervenor or team will work with officials to identify staff who are most likely to have crisis reactions and suffer long-term stress reactions as a result of the crisis. Any individual who is the subject of an assault, who has been held hostage, and/or who has witnessed sudden injury or death should be

mandated to meet privately with a crisis intervenor. Mandatory intervention is preferable to voluntary intervention because many staff members think that seeking assistance or counseling after a critical incident shows them to be weak or incompetent; if there are several crisis intervenors available, the employee should be allowed to choose with whom he or she meets.

- When there is a large crisis, all personnel at risk for intense crisis reactions or long-term stress reactions -- and any teams of employees which largely fit these criteria -- will be mandated to participate in group debriefing to defuse the emotional reactions that they might experience. High risk populations shall include:
 - all staff who have been held hostage;
 - all staff who have been physically assaulted during the crisis;
 - all staff who have witnessed grave injury or death; and/or
 - all staff who are close friends of any individuals who fall into the above categories.
- Group debriefings for staff who may not be immediately affected by the crisis will also be provided on a voluntary basis.
- Group debriefings will be held within 48 hours from the end of the crisis event. Shorter group debriefings will be held as high-risk populations rotate off shift during any ongoing event such as a riot or long-term hostage situation.
- The crisis intervention team will hold its own debriefing sessions at the end of each day that the crisis continues.
- Written information on the crisis reaction and long-term stress reactions will be distributed throughout the agency in the immediate aftermath of a crisis event.
- All group debriefing and crisis intervention counseling sessions shall be confidential and reflected in a written policy given to all staff.

Guidelines for Peer and/or Supervisory Support:

- Protocol for notifying family members of victimization of a staff member:
 - Specialists shall be designated in advance for duties of notification of family members of staff and of inmates/parolees in the aftermath of a crisis. Such designees shall receive a minimum of 24 hours of training in hostage situations, catastrophic physical injury, death, dying, death notification, and body identification techniques in addition to the 40 hours of basic crisis intervention training outlined above.
 - Notification of family members should be done in person by a team of two, including one person who is a member of the clergy, particularly if the notification is of a death.
 - The persons designated to do the notification should be provided with identification badges or cards.

- Guidelines for notification procedures:
 - Obtain as much information about the victimization and the event as soon as possible: what happened, when did it happen, where did it happen, and how did it happen?
 - Get as much information about the person(s) to be notified as possible. Try to insure that the appropriate closest adult relative receives notification first.
 - Make notifications in person, if possible. If a notification is made by telephone, try to arrange for someone to be with the family members when they are given the information.
 - If the team goes to the home of family members, they should ask to enter the home before giving them information, making sure everyone is first sitting down and comfortable.
 - The lead team member should tell the family members simply and directly what happened. Do not prolong natural anxiety.

- Be prepared to present confirming evidence about the event and its consequences in a clear and convincing fashion in the face of denial.
- If there are children in the family, talk to the adult members about how they want to tell the children about the event.
- Answer all questions tactfully but directly. Be prepared for a wide range of questions and concerns.
- Focus on immediate needs of family members.
- If others need notification, offer to help in the process.
- Help family members explore their options over the next few days as they deal with the practical aspects of crisis.
- Offer follow-up crisis counseling or group debriefing sessions if more than one family group is involved.
- If death or serious physical injury has occurred, do not leave family members alone in the aftermath of notification; ask them to get a friend there for comfort (and brief the friend upon arrival).
- Respect the need for privacy in a crisis, but ensure protection.
- If a hostage-taking situation is involved, arrange to have someone stay with family members throughout the crisis, if possible. Give family members a specific plan that will be followed for providing updates on the situation through conclusion.

**Guidelines for Group Debriefings in the Aftermath of Critical Incidents;
Ground Rules for Group Session are Established**

- Confidentiality of communication.
- Agenda for session:
 - Real agenda - to help group define the crisis reaction, provide some

crisis intervention, and to predict and prepare the group for possible future events. Goal: to let a bit of steam out of the pressure cooker of emotions. The goal is not to provide group therapy or individual therapy, but to teach them that what they are going through, awful as it is, is normal.

- Announced agenda - how the participants reacted and are reacting; how their family or loved ones reacted or are reacting; and what do they expect in the future.
- Permission given for expression of all reactions except physical violence.
- This is not an operational critique of what happened, but a debriefing of reactions.

Group Debriefing Session Procedures

- Ask participants to tell about their experience during the event: Where were they when it happened or they first heard about it? Who were they with? What did they see, hear or feel (physically) at the time? How did they react at the time?
- Listen and underscore any statements that fit within the crisis reaction framework.
- As participants talk about their experiences, validate key emotional reactions and concerns. Examples: Statement: "I am really angry"; Response: "It's a common and natural reaction to such an awful event." Statement: "I keep thinking it is my fault, that I could've done something to prevent it"; Response: "When a sudden tragedy like this happens, it is normal to try and think about what 'might have been'. None of us can see into the future, and I don't believe that a random catastrophe can be anyone's fault."
- Listen and validate. Do not let statements of shock, anger, fear and so on go on without a response and a word of comfort.
- Ask participants to describe what has happened to them in the aftermath

of the event.

- Listen and validate.
- Help participants understand the crisis reaction and predict for them the possible range of emotions that they will face in the days and months to come.
- Talk about ways that participants can manage stress reactions. Explain common coping techniques and talk about ways in which they may have coped with tragedy in the past. Answer questions. Validate good coping techniques.
- Give them a safety net for the future: a plan for future group meetings; a contact through community caregivers or victim service programs; or the staff crisis intervenors.
- If needed, establish a rumor control mechanism through which the community -- including the agency's community -- can get accurate and prompt information.

Guidelines for One-On-One Crisis Intervention for Victimized Staff or Their Families

"With the gift of listening comes the gift of healing, because listening to your brothers or sisters until they have said the last words in their hearts is healing and consoling. Someone has said that it is possible 'to listen a person's soul into existence.' I like that." (Catherine de Hueck Doherty)

In the aftermath of a catastrophic crisis, victims must deal not only with the physical and emotional impact of the crisis reaction, but also with a sense of helplessness, powerlessness, and a loss of control.

A common response in the shock of the moment is to retreat into a child-like state. That makes the victim "accessible" to any kind of intervention; intervenors should use care to avoid intrusive or harmful behavior or reactions to victim responses.

There are several "alliterative couplets" that help crisis intervenors remember how to move through the initial intervention and later supportive counseling:

"Safety and Security":

Safety is an issue for victims who survive. Until it is addressed, other issues or concerns will be tangential.

- There is concern for the safety of the physical self.
- So long as there is sensorial involvement, it is likely that victims will feel unsafe.
- Victims are often concerned for other people's safety as well.
- Victims need to feel taken care of -- feelings of safety and security will only truly emerge if victims are sheltered, kept warm, fed, given a chance to sleep and can trust someone to take care of things for a little while.

Individuals who have survived the death of a love one are not often concerned about their own safety. But they do need to be given a sense of security. They, too, will suffer feelings of helplessness and powerlessness. They, too, need to feel taken care of.

- Survivors need to be given room for privacy. Their anguish and grief may seem too much to bear. And it can be made more painful if there are unfamiliar and unwanted witnesses to their sorrow.
- A factor in promoting a sense of security is ensuring survivors that their reactions will be kept confidential.
- Another factor in security is the confirmation that their reactions are acceptable and not uncommon.
- Security is also promoted when survivors are given opportunities to regain control of events. They cannot undo the disaster or the death of loved ones, but there may be opportunities for them to take charge of things that happen in the aftermath.

Hints for Helping:

- Make sure the victim/survivors feel safe or secure at this point in time. Sit down to talk. Ask the victim/survivors where they feel safest. Tell them, "You are safe now." Tell them your standards of confidentiality.
- If possible, keep media away from victim/survivors or help them in responding to media questions.
- If they have loved ones about whom they are concerned, try to find out appropriate information about the safety of the loved ones.
- Provide them with any information that may help to assure them of their safety. For instance, if they have been survivors of a massacre, it may help if they are assured that the gunman is dead, or that he has been apprehended.
- If they are not safe, keep them as fully informed as possible about the extent of additional threat. For instance, if the gunman is still at large, try to get as much information about his whereabouts as you can.
- Give them permission to express any reactions and respond non-judgmentally.
- Respond to the need for nurturing -- but be wary of becoming a "rescuer" on whom the victim becomes dependent. It is useful to take care of practical things that need to be done that the victim can't do or may not want to do. But remember to ask permission before doing so.
- Offer to provide child care, help with transportation, make necessary telephone calls, and so forth. Be specific in making such offers so that the victim can simply respond with a "yes" or a "no".
- Analogy: If a person breaks his or her leg, he or she goes to the doctor who assists by setting the leg and placing it in a cast.

While the leg heals, the patient keeps it in a cast and uses crutches to accomplish activities. When the cast is removed, the leg is weaker than it was and may have diminished capacity. But, with exercise and care, the leg will mend and become strong again. When someone survives a disaster or the death of a loved one, they survive with a broken heart. The crisis intervenor becomes like the doctor. The initial intervention helps the survivor by protecting that heart as much as possible against further harm. Later, the crisis intervenor or counselor provides support, understanding, and maybe a few crutches while the survivor begins the long process of healing a broken heart.

- Help survivors to re-establish a sense of control over the small things, then the larger ones, in their lives. While it is important to assist the survivors with practical activities, it is also important to allow them to make decisions for themselves and to take an active role in planning their future.
- The crisis intervenor initially can offer survivors a sense of control by asking them simple questions involving choices that are easily made. For instance: What name would you like me to use in talking with you? Where would you like to sit while we talk? Would you like a glass of water?
- Often the recovery of a remnant of property or physical object that is important to the survivor helps to re-establish a sense of control. For instance, in the aftermath of the crash of Northwest Flight 155 in Detroit, the 4-year-old girl, Cecilia, seemed to feel much better when her doll was recovered and given back to her.

"Ventilation and Validation":

Ventilation refers to the process of allowing the survivors to "tell their story." While the idea of "telling your story" seems a simple concept, the process is not easy:

- Survivors may need to tell their story over and over again. The repetitive process is a way of putting the pieces together and organizing the event so that it can be integrated into the survivor's life.

- Survivors' initial experience of the event and their first memory of it will be very narrowly focused. It might focus on a particular sensory perception or a particular activity that occurred during the event. As time goes by, the memory and the story will take in many new issues.
- Analogy: Think about the event as a diamond. A diamond is multi-faceted. The survivor sees only one facet of the "diamond" in the initial experience and recall. As time goes on, he or she sees more and more facets. One of the functions of telling his/her story is to work to construct a whole diamond. In some cases, the diamond will end up defective because some facets will be missing. Often, survivors are unable to reconstruct the whole event. But they will begin to move forward in their lives once they are able to accept the diamond as it.
- The story will probably change over time as they learn new things and utilize the new information to reconstruct their memory.
- What is called "remembering" is often a function of actually recalling facets of the event merged with what other people tell you about the event. Example: People often "remember" things they did as a child that really are no more than remembrances of being told of things they did as a child.
- Another complication is the fact that there usually isn't one story about the traumatic event. There is the story of the actual event; the story of various incidents in the immediate aftermath; the story of on-going traumatic incidents related to it; the stories of families or friends involved in it; and so forth. Many times each of these stories must be told before there is a final resolution or integration into the life of the survivors.
- A part of ventilation is giving words or other explicit expressions to experiences, reactions and responses. Ventilation is often culturally specific. Some cultures may express their reactions through pictures, art, music, dance, or exercise rather than using words. In most of the United States, words are a dominant form of expression.
- The power of giving words to event is illustrated by the depth of emotion that is evoked when someone must tell another person that a loved one has died. Saying the name of the loved one is often very difficult.

- The exact words to describe events and experiences are often very important. For example, Mothers Against Drunk Driving (MADD) is adamant about the importance of calling a drunk driving crash a "crash" and not an "accident" to emphasize the criminal nature of the event. Similarly, survivors of the Pan Am 103 terrorist bombing are offended when others call the event a crash. There is a significant difference between a terrorist bombing of an airplane and a crash due to mechanical or human error.

Validation is a process through which the crisis intervenor makes it clear that most reactions to horrific events are "normal."

- Validation should be content specific. Example: rather than simply saying "I can't imagine how upset you must be," it is preferable to say "I can't imagine how upset you must be after learning of your son's death in the car crash."
- Care should be taken in the words that are used to validate. For instance, many survivors do not want to hear that their reactions are "normal reactions to an abnormal situation" because they want to have their experience validated as unique. Telling them that their reactions are not "uncommon or unusual" seems to be more effective.
- Where possible, repetition of the actual phrases that the survivors use to describe experiences is useful. Example: If someone says, "I can't sleep at night, I am so afraid that someone will break in and kill me, and my family," an appropriate response would be "It's not unusual for you to be afraid after such a terrifying experience. If you can't sleep at night, that only illustrates how afraid you must be."
- The focus of validation should be that most reactions are okay, including anger, fear, frustration, guilt, and grief. While most reactions are normal, there are some people with pre-existing mental health problems who have harmful reactions. There are also some people who react to crises in a dangerous way -- to themselves or others. The crisis intervenor should always be alert to any signs of suicidal thoughts or behaviors.

- While most reactions are normal, most people have not experienced the intensity of the reaction so they may think they are "going crazy." Survivors should be reassured that while this crisis has thrown their lives into chaos, they are not, as a consequence, "crazy."

Hints for Helping:

- Ask the survivor to describe the event. Ask the survivor to describe where he/she heard of the event or saw it happen. Ask the survivor to describe his or her reactions and responses. Ask the survivor to describe reactions and responses later on, right up to the present.
- Let the survivor talk for as long as he or she wants, but when there is a pause, validate what was talked about.
- Don't assume anything -- even the pattern of the crisis reaction is suspect -- the survivor will tell you about what happened, and how he or she reacted.
- Avoid phrases like: "I understand", "It sounds like...", "I'm glad you can share those feelings."

"Prediction and Preparation":

Predict the practical. One of the most important concerns of survivors is "What is going to happen next?" By predicting the practical, they have a sense of understanding and more control.

- Relocation issues.
- Financial issues.
- Legal issues (criminal justice and litigation).
- Medical issues.
- Body identification and funeral issues.

- Media issues.
- Issues related to responses of agency administrators and co-workers.

Predict the emotional:

- Immediate physical and mental reactions.
- Long term physical and mental reactions.
- Reactions of significant others.
- Normal trigger events.

Prepare for ways in which the victim/survivor can deal with the practical and emotional future.

- One day at a time.
- Problem-solving.
- Talk and write about the event.
- Provide a routine for yourself.
- Plan time for memories and memorials.
- Find someone to support you during times when you must confront practical problems.
- Eat, sleep, and exercise.

Useful phrases:

- "You are safe now" (if they are), or "I'm glad you're here with me now", or "I'm glad you're talking with me now."
- "I am sorry it happened."

- "It wasn't your fault."
- "Your reaction is not an uncommon response."
- "It's understandable that you feel that way."
- "It must have been really upsetting/distressing to see, hear, feel, smell that."
- "I can't imagine how terrible you must feel."
- "You are not going crazy."
- "Things may never be the same, but they will get better and you can get better."
- Your imagination can sometimes make a horrible reality worse than it is, so ask people to give you the bad news up front.

Guidelines for Supportive Counseling for Victimized Staff and Their Families

■ **Be Trauma-specific:**

The focus of counseling interventions should be directed at the trauma itself. Other pre-existing problems such as marital issues, alcohol abuse, employment problems and the like should not be addressed except as they relate to this trauma. If there is a need for counseling or help in those areas, the victim/survivor should be referred to an appropriate counselor for assistance.

An exception to the trauma-specific nature of crisis intervention is when there are other traumas in the individual's life that may have impact on their response and coping abilities in dealing with current trauma.

■ **Normalization:**

It is important to reassure victims/survivors that they are not crazy and that their trauma is not unusual. On the other hand, the use of the phrase, "it is a normal reaction to an abnormal situation" may trigger an angry response in individual victims or survivors who see their reactions as unique. Use of that phrase is helpful when publishing materials or talking to the media, and when the target is a mass audience. For individual victims/survivors, it is helpful to reassure them that the reactions are not uncommon, but they are also unique.

Responses to trauma, as the existence of trauma, can be normalized as well.

Undertake collaborative work with the goal of providing the victim/survivor with a "silent" partner in the work to reconstruct a new life.

- The counselor is involved as a listener and a "brain-stormer". The counselor may outline, develop and suggest options in response to the victim's/survivor's questions, but the counselor is not the decision-maker.
- If or when the counselor takes on a decision-making role with regard to key decisions, the counselor transcends the role of counselor and

becomes a rescuer. He or she may then cause the victim/survivor to become dependent, rather than independent.

- Collaboration involves foregoing ego-involvement in suggestions or solutions. The trauma is not the counselor's; it is the victim's/survivor's.

■ **Finding a "Unique Pathway" to Reconstruction or Healing:**

- Every victim/survivor will find his/her own way in reconstructing a new life. Just as the trauma is experienced in a common but unique fashion, so must the reconstruction process be unique but common.
- Counselors should be non-judgmental, supportive and open in their responses to decisions.
- There are pathways that would generally be considered negative as victims/survivors try to reconstruct a future -- substance abuse, suicide, destruction of relationships. Here, counselors should be prepared to deal with ethical issues and to refer survivors for appropriate in-depth mental health counseling or psychotherapy when appropriate.

Techniques of Post-Trauma Counseling

Education:

Victims should learn about the crisis reaction and long term stress reactions. It is often a revealing experience.

Information about coping strategies for dealing with both crisis and long term stress reactions is also very useful. Positive strategies should be stressed, and negative strategies should be outlined so that choices may be made to avoid them.

Give the victim practical information and education. Legal implications should be explored, as should medical information and any sources of long-term financial help, like workers compensation.

Referrals to victim service programs in the community should be made. Information on media involvement may also be useful.

The timing of practical information is important. In the immediate crisis counseling, some information will probably be ignored and perhaps even resented. After a few days and in the supportive counseling effort over several months, most information will be welcomed and the receipt of it will be useful in the reconstruction process.

Bereavement - If Death is Involved, Bereavement Information Will Be Useful

- Death and dying is still not a topic of widespread discussion. Hence, information on the dynamics of grief are important.
- Practical issues of dealing with death and grief should also be explored with victims/survivors.

Homework (reading, writing, listening): Provide victims/survivors with articles on crisis, long-term stress, coping strategies, etc. Encourage them to write journals or to write stories about their experiences. For some, it may be easier for them to record their thoughts or their reactions on audio-tape and to listen to themselves later. Listening to tapes or watching videotapes on crisis is also useful.

Tests: Many victim/survivors find it useful to take "stress tests" that appear in popular magazines. Surveys or other types of questionnaires about the state of marital relationships, exercise potential, job satisfaction and the like help victims/survivors to think introspectively about their concerns.

Goal-setting challenges such as physical fitness exams or problem-solving quizzes are also helpful.

Holistic Health

Physical Activity:

There is science behind the idea that exercise is good medicine for people who have suffered a crisis. Exercise produces endorphins and opiates in the body's system, which serve as "uppers". It leads to heightened senses of self-esteem

and self-discipline, and it offers the victim control over a small part of his or her life.

Movement:

All physical activity is a connection with life. Even a small dose of activity -- walking to a mailbox, getting dressed, walking the dog and the like -- can help to resume a level of physical functioning in the midst of depression.

Nutrition:

Vitamins B and C are particularly important in dealing with stress. For most people, high-fiber carbohydrates help maintain energy and health. Unbalanced carbohydrate meals, however, will produce a sedative effect. (Even a small amount of protein will help to allay such sedation.)

Sugar often produces fatigue, weakness, and confusion. High quantities of water and juices are stress reducers.

Victims/survivors should try to avoid large doses of caffeine, alcohol, cigarettes, and sugar. Of course, all illegal substances should be avoided.

Humor:

While the evidence is still out, or in debate, concerning the physiological impact of laughter on disease, there seems to be a growing consensus that the "humor" high that laughter produces can anesthetize people against pain. Laughter is a re-connection with life that tends to invigorate the living in spite of themselves.

"If you wish to glimpse inside a human soul and get to know a man, don't bother analyzing his ways of being silent, of talking, of weeping, or seeing how much he is moved by noble ideas; you'll get better results if you just watch him laugh. If he laughs well, he's a good man. ...all I claim to know is that laughter is the most reliable gauge of human nature." (Dostoyevsky, *The Adolescent*)

Tears:

Tears help to cleanse the body of certain chemicals that build up during emotional stress. Studies done by William Frey, a biochemist and director of the Dry Eye and Tear Research Center in Minneapolis include collections of tear samples on hundreds of women and men. He distinguishes between emotional tears and irritant tears. However, all tears remove manganese from the body which is a mineral that has been associated with mood alteration. And both kinds of tears contain three chemicals known to be released by the body during stress: leucine-enkephalin, an endorphin thought to modulate pain sensation; ACTH, a hormone that is considered the body's most reliable indicator of stress; and prolactin, another hormone, which also regulates milk production in mammals. (Crying: The Mystery of Tears, William Frey)

Spirituality:

Most people turn to God in situations of crisis, although some will turn away from God. In either case, discussion of religious issues is a useful adjunct to counseling as long as the counselor is helping the victim deal with his or her spiritual questions and religious beliefs. This is not an occasion for counselors to proselytize their views on religion, or to duck the subject because of those views.

Social Integration:

How well is the family functioning? Among the areas the counselor should be alert to, short of probing, are:

- Drug use
- Violence
- Resources outside family
- Flexible roles
- Open communication
- Affectionate

- Tolerant
- Solution-oriented, not blame-oriented
- Problem approach: family-centered or victim-centered
- Traumatic stressor not denied

For counselors licensed to perform mental health treatment, or who are working in collaboration with the victim and a therapist, it is useful to know about some of the appropriate goals of such therapy. These include:

- Commitment to therapeutic objectives
- Framing the problem
- Reframing the problem
- Developing a healing theory
- Implementing the theory

Support of the Workplace or School:

For all victims, workplace support can be as important as family support. More time is spent by most individuals with fellow employees or fellow students than is in the family circle.

The tensions of the workplace may pre-exist and exacerbate the trauma. The demands of the workplace may also mean that trauma is repressed and normal work is emphasized.

Corrections and parole agencies need not adopt programs and policies different from other employers in this area. Some elements of generating workplace support in any employment setting include:

- Policies that provide for temporary absence of employees suffering from a trauma event;

- Mandatory counseling for all employees involved in a crisis event while doing work associated with their job position or at the workplace;
- Official recognition through newsletters or other communication medium that a trauma has affected the workplace and acknowledge that some people will have crisis reactions or long-term stress reactions to such trauma;
- Group debriefings of high-risk populations within the workplace;
- Peer counseling programs that address all aspects of trauma-inducing events and can be accessed by employees on request;
- Health insurance or other means that provide for mental health and other counseling costs; and
- Endorsement and support for absolute confidentiality concerning all communications concerning emotional reactions to trauma.

Peer Support Groups:

These provide people in similar circumstances with an opportunity to describe their experiences with the emotional aftermath of crisis and to compare effective coping strategies. The focus is on confrontation and acknowledgement of grief, crisis, trauma and support for efforts to reconstruct new lives.

Advocacy and Activism:

Advocacy as a tool in crisis counseling is predicated on three things:

- Often the "second injuries" perpetuated in the aftermath of catastrophic force victims/survivors or their advocates to fight back.
- The search for meaning, for some is inextricably connected with trying to change things so that the tragedy can not be repeated in the future.

- "Activism" is often an antidote to depression and a constructive way of expressing anger.

Supportive Counseling:

"Supportive counseling" is the ongoing work crisis counselors do after the initial counseling. Much of it involves continued listening and validating, and so on. The following describe additional topics on which the victim and counselor can collaborate:

"Awareness and Acceptance" of Trauma Reactions:

- Fighting the "emotional flooding" victims experience is doomed to failure. So is fighting emotional numbing.
- Emotions are as integral and as physiological as the physical response. The victim/survivor may not like his or her reactions but they will react.
- The victim/survivor may not be able to define all their reactions, so the trauma counselor can help provide options of names and words that will help describe the sensations.
- Just because the intense reactions exist does not mean that the survivor will not develop ways of coping with them in the future. That is the essence of post-trauma counseling. Coping is awareness, acceptance, and definition of response to normal reactions.

Revisiting the Trauma Event: Some Cautions and Concerns:

- The victim who experiences involuntary or intrusive re-experiencing of the event, followed by diverting thoughts elsewhere or distressing emotional responses, may not be remembering all aspects of the trauma. It is, in the end, helpful to face up to all those memories -- but the counselor should support the effort, not push it.
- Initial avoidance of thoughts or experiences relating to the trauma may assist the victim in coping by allowing the mind and body to gradually

absorb the intense impact of the event. But continuation of thought avoidance over time is usually counterproductive. It may cause the individual to feel victimized again and increase the traumatic reaction.

- Re-exposure to the trauma -- by describing it in detail, for example -- may take several forms. It is most likely to be helpful when the re-exposure is voluntary and victim or survivor is in control of the process, and may be most useful if it is done gradually or in phases when the trauma has been intense.
- Even in the most benign form, re-exposure to the trauma may cause some distress and discomfort.
- Methods of re-exposure include: telling the trauma story; re-enactments of the trauma event; visiting or re-visiting the location or the event; watching videotapes or movies about similar events; and listening to others tell of their experience in the same or similar events.

Therapy of "Paradoxical Intentions"

Often people behave in a contradictory manner to their intentions. For instance, if one is told to avoid thinking about a blue pencil, and agrees to avoid thinking about the blue pencil, one may end up thinking incessantly about the blue pencil because it is now the dominant thought in one's mind.

On the other hand, if one is told to focus hard on a troubling issue, and agrees to think about nothing else, very often he or she will find it impossible to keep his/her mind from wandering on to other things.

Recognizing this natural pattern can, in itself, help people to line up their desire to concentrate on a subject with their behavior. It also teaches patience when the effort does not succeed.

The Victim's Search for Meaning:

The sense of meaninglessness or emptiness is often the biggest barrier to a reconstruction of life. A feeling of meaningless is often increased by a sense of isolation and aloneness.

Thus, helping a victim identify the unique meaning of his or her life or "mission" is a key to eliminating the emptiness. Some counselors do this by exploring with the victim the "principle of proactivity", which may be put this way:

Between the stimulus and response -- or the trauma and our assessment if it -- we have some freedom to choose. Our final choice is not over environmental circumstances, over biological or physiological characteristics, or over historical situations; the choice is over how we decide the trauma will affect us.

This invites us to use our mind to evaluate the event in the context of the overall meaning of our lives. That appraisal does not have to be reality-based; it may involve attribution of good and evil; it may even involve an assumption of self-blame.

But for many, this kind of intellectual digging will help them picture some positive outcomes from the experience, and these may help the victim work on a positive reconstruction of his or her life.

Counseling Behaviors:

The basic ideas around crisis counseling, plus the kind of emotion-laden topics suggested above, provide a good guide on how to continue counseling sessions productively. The following are meant to reinforce the implicit suggestions of how the counselor should do his or her work:

- Supportive listening: use crisis intervention techniques, and observe these ground-rules, which include confidentiality, privacy, no probing, and validation.
- When it hurts too much, it's time to stop.

Using Victim Services in the Community:

Be supportive of services for victims "off the job" and using those services in emergencies.

While corrections departments and parole agencies may provide in-house crisis intervention and crisis response teams, it is also appropriate to provide support for employees who are victimized off the job. Most jurisdictions have some kind of victim services programs in their area. Corrections and parole agencies should:

- Inventory existing services: the program database of either National Victim Center (NVC) or the National Organization for Victim Assistance (NOVA) can be used to identify local resources, but such programs should be examined more closely to determine types of victims served, eligibility requirements, and any other distinguishing features that may either enhance or limit service.
- Develop agreements for referrals so that employees can be served quickly and effectively when necessary.
- Where services do not exist, develop supplementary programs within the employment arena to assist victims of crime with information and referral, counseling, and advocacy.
- Promote the expansion of victim services to serve all types of crime victims in the community.
- Refer victimized employees to programs on an as-needed basis.

The agencies can develop a close working tie with staff of local victim services programs:

- Invite outside crisis counselors to help plan the in-house program, train the agency's volunteer crisis intervenors, and serve as an ongoing resource.
- Invite the outside counselors to do staff trainings (and mini-trainings) on the normal reactions to abnormal events. This may help staff better cope with the frightening events they experience as part of their daily job, and add to a supportive environment when very traumatic things happen to staff members.
- Explore with them the idea of a regional crisis response team. More and more victim service and mental health professionals are

creating such voluntary, interagency teams, for a number of practical reasons: while no one agency is likely to use such a team very often, if all community agencies use it for every multi-victim crisis, the team will get experience and acceptance; also, it helps to pool all the available, skilled crisis intervenors into a key, community resource.

- Though the local correctional facility may never need such a team, if it ever does, the scale of the disaster may be very broad. Thus, it make sense for the department to contribute staff to the team, and make the staff available for any community crisis.

Corrections Departments and Parole Agencies Should Also Provide Employment-Based Support Such As:

- Making sure that mental health counseling is a part of the employees' benefit package and that such counseling is available for all crime victims.
- Allowing "mental health" days off following victimization and allowing time off for victims who participate in the criminal justice system to the full extent of their rights and duties.
- Highlighting the support of management for in-house crisis intervention programs, local victim service programs, and other programs that support victim rights and services.
- Sponsor trainings in victim issues for correctional officers on a regular basis.

Coordinating With Law Enforcement and Prosecution When Staff Are Victimized

All corrections and parole agencies have regular and long-standing relationships with local (or state) law enforcement and prosecution agencies. Sometimes the relations are strained, as when the agencies cannot get assaults committed against their staff treated seriously. More often, the relations are good, with agency doing some of its own screening, and the outsiders respecting these judgments on how to proceed. Whatever the circumstances of a particular agency or facility, the "victims'

movement" is, in effect, encouraging a new kind of compact between these three agencies -- one that puts the victimized staff member in a more meaningful position. That compact might have these characteristics:

- All staff members will be required to report all incidents of threats and violence; the policy will not necessarily mean an increase in disciplinary or criminal actions, but it will serve to track the level of stress affecting employees so that appropriate help can be given them. Non-reporting for "macho" reasons will be firmly discouraged.
- Victimized employees will be fully consulted on how the department will proceed with the case. Guidelines will help govern whether disciplinary or criminal sanctions will be sought, and the staff member's views on this issue, and on which charges to file, will be considered.
- Law enforcement and prosecutorial authorities will contribute to the guideline-writing so that referrals for investigation and prosecution will lead to predictable results.
- In both disciplinary and criminal proceedings, employees will be given all the rights accorded by state law to "civilian" crime victims.

Prototype Administrative Policy on Staff Victimization

Policy

It is already the policy of [name of department] that all staff promptly report every instance of threatening and assertive behavior to the appropriate departmental authorities, as described in [cite appropriate documents]. Those policies are properly concerned with issues of custody and control, with disciplinary actions and procedures, and with referring injured staff for appropriate medical assessment and treatment. This supplementary policy is concerned with the emotional well-being of staff members who are the victims of such misconduct by inmates.

It is the policy of the department to treat every threat or assault as potentially harmful to

the staff member's emotional well-being. Thus, it is the responsibility of supervisors receiving reports of inmate misconduct to assess them not only in terms of possible disciplinary action or medical referrals, but also in regards to the staff member's emotional health and, whenever appropriate, to refer that staff member for emotional support. It is expected that most of those referrals will result in a one-time consultation. But in recognition that continual acts of even "minor" threats or assaults will in time produce an overload of stress on all normal people, and that correctional staff are naturally reluctant to recognize or report such stresses, it is the responsibility of supervisors to make such referrals as a routine, preventative measure.

Administrative Procedures

Reports of Hostile Statements Directed at, or "Minor Touching" of, a Staff Member

The supervisor receiving such a report shall determine what if any reports shall be filed about the incident, according to departmental policy, and shall ask the staff member to describe how the incident affected him or her. In cases when the staff member describes strong feelings of anger or fear, or demonstrates strong emotional reactions to the event, the supervisor is encouraged to indicate such responses are normal and that it is often helpful to discuss those reactions with a trained victim advocate. That referral is discretionary, as is the supervisor's decision whether to permit the staff member to see the victim advocate immediately or at some other time during working hours. Likewise, the staff member has the option whether to accept the supervisor's offer of permission to contact and see the victim advocate immediately or during working hours, or whether to initiate such a contact at any other time. The same procedures are available to supervisors and staff members whenever it comes to the supervisor's attention that a staff member or a staff member's relative has experienced a potentially-traumatic event outside the workplace.

Reports of Significant Threats or Assaults That Require Medical Assessment or Treatment, or Which Had the Potential of Escalating Into a Dangerous Confrontation

In these cases, the presumption is that the staff member will be required to speak to the victim advocate either immediately or at the end of the shift, at the supervisor's discretion. Among these "Class 2" incidents -- where there is limited discretion as to whether to order the referral to the victim advocate -- are all cases where a weapon was involved, where sexual harassment of the staff member took place, where it comes to the supervisor's attention that the staff member or a member of the of the staff member's

family has become a victim of a serious crime outside the workplace, or whatever the nature of the incident, the supervisor believes a consultation with the victim advocate is required for the well-being of the staff member. In "Class 2" incidents, whenever the supervisor chooses to recommend rather than order such a meeting with the victim advocate, the supervisor shall explain that choice in writing.

Critical Incidents

In all disturbances considered "critical incidents" by senior institutional or departmental staff, all staff members involved with the incident shall be required to attend such meetings with the Crisis Response Team, as further set out in [name the appropriate document].

Meetings Between Staff Members and the Victim Advocate

Except when ordered to do so for one meeting, all meetings between staff members and the victim advocate are voluntary. Meetings during regular working hours are subject to supervisory permission, other meetings are at the mutual convenience of the staff member and the victim advocate. All such meetings shall be private, and all departmental staff are expected to cooperate in providing private meeting space when needed and asked for by the victim advocate. The victim advocate is required to keep confidential all matters discussed in the meetings, and explain that policy at the first meeting with a staff member, as well as these two exceptions:

- If in the judgment of the advocate, the staff member requires supportive or other counseling beyond the ability of the advocate to supply, the advocate may require that the staff member consult with a named person or agency, inside or outside the department, and
- if that person or agency indicates that no such appointment has been kept within a certain period of time, the advocate will report that fact to appropriate departmental officials; and, if in the judgment of the advocate, the staff member poses an imminent danger to him or herself or to someone else, that judgment will be immediately reported to appropriate department officials.

Time Off From Work

The department's policy regarding compassionate leave [cite reference] now also includes a supervisor's authority to excuse a staff member from further duties for the balance of

the shift after a Class 2 or critical incident, if requested by the staff member. If the staff member does not wish to be excused from duty, the preference will be honored unless the supervisor deems it necessary to require the staff member to be relieved of duty under the department's administrative leave policy [cite reference]. Up to two additional days of compassionate leave, in addition to such leave already available, may be granted to the staff member upon request by the staff member and the victim advocate, to help cope with the Class 2 or critical incident, bearing in mind two considerations: the department's ongoing staffing needs, and the understanding that it is often helpful to victimized staff for them to return to work for a day or two, if possible, before taking a break from work.

Pre- and Post-Execution Services to Corrections Staff and Others

Introduction

The successful management of court-ordered executions requires more than having the procedures carried out smoothly and professionally; it also requires the acknowledgment that the process is distressing for many, that it has the potential for producing significant disruptions among staff and inmates, and that it can significantly affect the reputation of the department and its staff in the larger community. Experience suggests that to manage these emotional dimensions successfully, the department's director and the warden of the death house should get their cues from the department's professional death watch (execution) team and, based on that, consistently affirm a philosophy that the duty is a painful one for many, that it should be conducted somberly, and that, in the process, the department should confer dignity on the condemned inmate, his or her family, and on inmates and staff who care for the inmate. While this philosophy may lead to such things as an annual training program for all staff, the implementation strategies suggested below are usually started one or two months before a scheduled execution date (despite the constant uncertainty over that schedule).

Tiers of Affected People

A court-ordered execution is a crisis-inducing event which predictably affects a series of groups of people, some within the correction family, some closely related, others more distant. While corrections administrators are certainly encouraged to "take care of their own," some may wish to coordinate their services with ones aimed at affected colleagues in the criminal justice system and beyond. The following set of "tiers" estimates levels of risk for crisis reactions among all groups of people, inside and outside corrections, both before and after the execution. Note that some of those who are at risk for crisis may fully support the inmate's execution; the emotional dimensions are not eliminated by taking any particular stand on the subject.

- a. **High-risk groups:**
 - The inmate, his or her family, and his or her family of supporters, including the legal defense team.

- The death watch (execution) team, plus the chaplain, department director, warden, and others closely involved.
- Those with years of close contact with the inmate: death-row custodial staff, counselors, psychiatric staff, any treatment or educational staff involved, and other death-row inmates.
- Loved ones of the inmate's victims (plus any victims of non-lethal crimes committed by the inmate).

b. Significant-risk groups:

- The official witnesses to the execution, including press, relatives of the inmate's victims, etc.
- Criminal justice officials involved with the case: law enforcement officers, prosecutors, trial judge(s) and jurors, other court personnel, appeals court judges and staff, etc.
- The governor, other involved with the clemency process.
- Crime reporters, clergy members and supporters, advocacy (both pro- and anti-death penalty) groups especially active in this case.
- Staff and inmates of the death row and death house institutions (if different facilities).

c. Other groups at risk:

- All -- repeat all -- departmental staff.
- Members of all professions previously indicated -- criminal justice, clergy, etc.
- Legislators, activists, counselors, etc., who deal with offenders or victims.
- Members of the general public.

Services to High-Risk Groups

Two kinds of services should be offered to all members of the high-risk groups. For groups subject to the control of the corrections department, the services should be mandatory. With groups outside the department's control, the department may offer its own services on a voluntary basis, may offer its expertise to others seeking to provide such service, or may leave the job to others altogether.

The services are an educational seminar on the death penalty, and a trauma-inoculation service, with follow-up debriefing.

Death Penalty Seminar

The seminar is designed to have participants speak openly about their feelings about the death penalty, and then, through lecture and discussion, to learn why a subject that is usually framed in philosophical, ideologic, or political terms is seen in a new light when the death penalty is carried out. Few involved in that real-life learning experience have changed their minds about whether they favor the death penalty, but most have learned a serious and somber aspect to it when it becomes "real". That lesson constitutes half of the learning objectives of the seminar. The other is to offer coping strategies to help deal with the emotionality surrounding an execution, and follow-up services if desired.

The seminar may be co-facilitated by a counselor experienced in dealing with violent death (whether or not justified) and a correctional officer, perhaps a present or past member of the death watch team. It is designed to take about an hour and a half to conduct. Participants should be told at the outset that the seminar is private and confidential, and everyone should verbally agree not to attribute specific comments to specific people after the seminar. They should also be told that, if they are typical of corrections staff (or typical of the general population), they can expect to disagree with one another, perhaps strongly. Also emphasize that they are expected to express such disagreements, if they come up, in a respectful manner since this is to be an educational seminar, not a political debate.

The seminar outline is as follows:

A. Overview of the frequency of executions in the United States

1. In the decade after the death penalty was restored
2. In more recent years
3. In the years ahead

[Purpose: To put the upcoming execution in context; to give correctional participants a sense of unity or identification with colleagues elsewhere.]

B. Issues and questions about the death penalty

1. Conceptions of death, and how these affect unlawful and lawful pre-mediated death (murders and executions).
2. The case for the death penalty.
3. The case against it.
4. The special dilemma for corrections and corrections staff; both have missions to institute fair, socially-mandated punishment, and to "correct" criminal offenders.
5. Review the strong beliefs on both sides, and the ongoing reservations that many feel about their positions.

C. When an execution is ordered

1. The actual procedures, step by step, undertaken by the death watch team.
2. Duties of other correctional personnel.

D. The inmate and his family (including supporters)

1. Factual report of any funeral arrangements, will, situation (if available)

2. Brief report of services being provided by the department and others.

E. The family(ies) of the inmate's victim(s)

1. Report on their situation, services being offered by department, and others.
2. Informed speculation on:
 - What they believe they want
 - What they may actually want
 - Whether execution will serve as a "catharsis"
 - The "going-on-with-life" problems after an execution

F. Coping issues and strategies

1. Problems individuals may encounter by themselves, with colleagues, with family, friends, and neighbors.
2. Review of personal coping strategies.
3. Availability of debriefing and other services after the execution.
4. Trauma inoculation service.

This service, offered as an informal seminar to meet periodically before the execution, and to be continued somewhat in the form of a debriefing afterwards, should be offered to all high-risk populations. For the death watch team and others of the department's choosing, participation should be mandatory. Run by a trained crisis counselor who also has debriefing skills, the seminar asks two simple questions which are explored by each participant, adjusting their own views and strategies as they choose, based on what they hear from others. The two questions are:

- What physical, mental, and emotional reactions do you expect to

experience at various time frames up to, during, and after the execution?

- What coping strategies might you use to alleviate distressing reactions? In the debriefing(s) afterwards, the questions obviously shift from the "expected" to the "actual".

Media Coverage of Critical Incidents

Critical incidents involving correctional personnel are, without a doubt, newsworthy. Violent assaults against staff, riots and hostage taking incidents all constitute "headline news" in the eyes of the media. Often, correctional facilities will be "swarmed" by journalists, who request up-to-date, timely briefings on the critical incident occurring inside.

In violent incidents involving multiple victims and/or offenders, propensity for media interest heightens. Such cases often, unfortunately, give rise to inaccurate information "leaked" to the press. Some such leaks are inaccurate; all can be traumatic to the families and friends of correctional personnel involved.

The first and foremost task of any prison administration is to centralize the dissemination of information to the news media. Some institutions accomplish this objective through a media specialist on staff at the institution, while others work through the Public Affairs Office of the agency itself. Still others handle media inquiries by the combined, coordinated efforts of both the institution and agency media personnel.

In any of these cases, the key to decreasing possibilities of misinformation is to coordinate efforts in dealing with the news media. Critical incidents require media

experts who are trained to deal with crisis events; eliminating multiple spokespersons will also help decrease the chances of rumors, innuendo and inaccurate statements being released to the news media.

Consideration of Victim's Families and Friends

Often, the news media will be alerted to critical incidents before the institution or agency can notify the families and friends of the correctional personnel victimized by assaults, riots or hostage incidents. The trauma of families and friends is greatly increased by the

first hearing of critical incidents on television, on the radio or in the newspaper. In cases where the names of victimized personnel are not known or readily available, this trauma, is unnecessarily inflicted upon the families and friends of all personnel at the institution at which the critical incident is occurring.

Therefore, the priority of the correctional agency or institution administration should be prompt notification of the victimized personnel's immediate family. Such prompt action will reduce chances of inappropriate notification of staff victimizations by the news media. It will also allow the agency to inform family members of protocols for dealing with the media, and present the facts that are known relevant to the critical incident.

Many victim service providers are well-trained to help crime victims and survivors deal with news media inquiries at the crisis state of a crime. Often, victims' families receive a measure of comfort when they have someone willing to field media inquiries and coordinate such inquiries with the criminal justice or corrections agency dealing with the crime. Administrators should immediately access and utilize the services of such victim service providers during and after critical incidents involving correctional employees.

The National Victim Center has developed comprehensive guidelines for crime victims to help them understand and exercise their rights when dealing with the news media. A copy of the brochure "Victims' Rights and Media" is included in Appendix M, and should be made available to the families of correctional personnel when they are notified of a critical incident involving a loved one.

Recommended Policy for Dealing With the Media During Critical Incidents of Staff Victimitizations

- The agency shall stipulate clearly (and in writing) the name of the personnel who will coordinate media relations during critical incidents. Such personnel can include:
 - Agency director.
 - Public information officer at the institution.
 - Public affairs director of the agency.
 - Any combination of the above.

- Personnel assigned to media relations during critical incidents shall have a plan-of-action prepared in writing prior to such incidents. The plan shall include:
 - Name of agency/institution spokesperson during critical incidents.
 - Contact information for the spokesperson.
 - Address.
 - Telephone number.
 - FAX number.
 - A 24-hour "media hotline" will be available to journalists to receive up-to-date, accurate information about the critical incident.
 - A pre-established number of daily press briefings will be determined, including:
 - When the briefing will be held (hourly, three times a day, etc.)
 - Where the briefing will be held.
 - A list of accommodations the media may require, including electrical outlets, telephones, fax machines, etc.
 - Guidelines for the media's access to any special accommodations they may require.
- A "contingency plan" will allow for additional or more infrequent press briefings, depending on the nature of the critical incident.
- All immediate family members of correctional personnel involved in the critical incidents will be notified of such incidents prior to any publicity in the news media.
 - In cases where news of critical incidents "leaks out" prior to notification of family members, the agency will immediately notify families by telephone (or preferably in person) of the details known of the incident.
 - An information hotline for family members of correctional personnel

involved in critical incidents will be established to provide them with accurate, up-to-date reports of the incident.

- An information hotline for family members of all personnel employed (and on shift) at the institution will be established.
 - Correctional personnel at each institution will be advised of both hotline numbers noted above for reference, as needed.
 - The information hotline for families of all personnel employed at the institution shall also serve as an instrument for "rumor control."
- Depending on the nature and scope of the critical incident, and agency shall prepare written press releases and/or briefings which detail key information related to the incident.
 - Guidelines for media coverage shall be made available to news media representatives who arrive in person at the institution at which the critical incident is occurring. Some considerations include:
 - Will media be allowed in or near the institution itself?
 - If they are allowed, do any restrictions apply?
 - Will any filming or photography of the critical incident be allowed?
 - If no filming or photography is allowed, will the agency provide photographs or film footage of the critical incident?
 - Will the names, addresses and telephone numbers of family members of personnel involved in critical incidents be withheld from the news media?
 - The agency shall establish a policy relevant to inmates' requests for media coverage of the critical incident, i.e., publicity airing demands in hostage incidents or hostages, initiating press conferences to "bargain" with correctional or criminal justice officials, etc.
 - This agency policy regarding publicity of inmates' demands shall be clearly stated on a regular basis to both inmates and correctional personnel.
 - The agency shall develop a plan to monitor media inquiries to family members of

personnel involved in critical incidents:

- Notifying family members prior to notifying the news media of critical incidents.
- Providing family members with a list of victim service providers who can help them deal with media inquiries.
- Providing family members with guidelines for dealing with media inquiries:
 - Requesting that family members refrain from speaking to the media.
 - If family members wish to speak with the media, providing guidelines for what they can and cannot say and coordinating the release of such statements.
 - Assisting family members with choosing a spokesperson (such as a clergy member, friend or relative) who can speak to the media on their behalf.
- The agency shall notify all correctional personnel through in-service training of any disciplinary actions that will be taken against personnel who are unauthorized to speak to the media during critical incidents, and who choose to do so.
 - Such a policy and related disciplinary actions can help decrease chances of inaccurate information and rumors being disseminated to the press.
- The agency and institutions' policies for dealing with the news media during critical incidents shall be included as part of each institution's in-service training for correctional personnel.

WORK STRESS IN CORRECTIONAL INSTITUTIONS

Carroll M. Brodsky

ABSTRACT: Evidence is mounting that people working in correctional facilities experience a significant amount of stress in their jobs, which may lead to high job turnover, high rates of sick leave and troubled relations with inmates, other staff, and family members. This article looks at the stress experienced by these workers from a medical anthropological and psychiatric perspective. In particular, it focuses on the structural and cultural parameters of work stress in the correctional environment.

That prisons are unpleasant places for prisoners is well known and even expected. That they are unpleasant and stressful places in which to work is a growing reality. The evidence is mounting that many people working in correctional facilities experience a significant amount of stress in their jobs: their annual turnover is very high, as much as 100% in Stateville, Illinois (Jacobs & Retsky, 1975); in some places they take sick leave at exorbitant rates; many report feeling tense and depressed and dreading their jobs; they have troubled relations with both inmates and staff; they frequently develop stressed marital and familial relations; and they often retire early on medical disability (Brodsky, 1977).

In this article I will look at the stress experienced by people who work in the institution of corrections from a medical anthropological and psychiatric perspective. In particular, I will focus on the structural and cultural parameters of work stress in this environment. Although acknowledged as significant, this approach to stress is often neglected in favor of more exclusive study of the individual under stress and an emphasis on individual vulnerability (McLean, 1979). Both the individual and the social approach are essential, however. This is particularly true in corrections, where the social and cultural forces contributing to work stress are so dominant. With this in mind, then, I will look at work stress in corrections for all the people who work there, including those who experienced minimal or no stress and those who experienced extreme stress. My analysis will focus on the organizational and cultural forces shaping these experiences.

SAMPLE AND METHODOLOGY

The sample of this study is composed of three major groups: (1) employees who experienced a high level of distress in their work, including both those

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who left their jobs and those who stayed; (2) a cross section of correctional employees in the United States; and (3) a more in-depth sample of correctional employees in one region in the United States.

The first and principal group consisted of more than 60 cases of people who had experienced extreme stress at their work in corrections—people who have broken down and who, in some cases, actually left their jobs because of the stress. This sample group was drawn from two major sources: 1) applicants for workers' compensation, disability retirement, and social security and 2) individuals from industry requesting consultations for themselves or for their organization. Of this total group, over 60 correctional officers were selected from over 2,000 persons who had filed industrial accident claims or applied for service-connected disability benefits and who had been examined by the author. The subjects were chosen because their major complaint was that they had been injured by the pressure of their jobs. All had physical and psychological symptoms, and it was the author's judgment that secondary gains, though present, were not the major element in causing their symptoms. They had good health histories and good work records. They continued to work under stressful conditions for some time after they had acknowledged the existence of such conditions. A lengthy psychiatric evaluation was made of each applicant. The results of psychological tests and earlier medical records were studied. In many cases, reports from employers, former employers, co-workers, family members, and investigators were available for review.

The second sample group consisted of a cross section of people working in corrections from 40 states in the country. These people were participants in five regional workshops conducted throughout the United States. As a group they did not experience extreme stress in their work or leave because of it. Information about the nature of work in correctional facilities was elicited through these workshops, primarily through group discussion and a questionnaire. One of these workshops consisted predominantly of health professionals of diverse training, including physicians, nurses, psychologists, and counselors.

The third component of the sample consisted of in-depth study of the work and health records of correctional employees in one region of the United States who had filed workers' compensation claims.

Further information on the work environments of people in correction was gathered through direct observation, interviews of co-workers and superiors and family members of sample subjects, as well as examination of work performance and medical records.

In sum, the sample included a diverse population of people working in corrections. It included people who are working and functioning well in corrections as well as people who dropped out because of work stress; people who worked in corrections for many years and people who had just begun; people who worked in different regions of the United States; and people at different echelons and with different roles in the correctional institution.

STRESS: ITS MULTIPLE MEANINGS

The term "stress" is used in everyday speech in a multitude of ways and by a variety of professional and lay people. It is likely that in each instance the speaker is describing a different phenomenon, a different stress. For purposes of this discussion, I shall operationally define stress as an unpleasant awareness of one's internal or external environment. In the case of work stress, it is the unpleasant awareness experienced at work, or when anticipating going to work, or when reflecting on work. A person may experience work stress without awareness, however, and in this case one would have to infer it from his behavior and mental and physical damage. The person working under a strong competitive pressure, for example, may enjoy the activity and not experience it as stressful, but may suffer physical harm from his efforts because his body is under stress.

Stress has been frequently and ably analyzed (see, for example, reviews by Mason, 1975; Cooper & Marshall, 1976; Beehr & Newman, 1978). To this body of literature I will add only a few points. One can think of the concept of stress as having several dimensions. One of these is its duration, as perceived by the actor. Three types can be distinguished: short-term acute stress; stress of a time-bound event; and long-term stress.

Short-term acute stress is stress in response to a situation of overt, immediate, unexpected danger—an explosion, an attack, a riot, an auto collision. There tends to be a distinct beginning and end to this stress, though the repercussions of an event may continue to linger on and bother the individual. The trigger, however, is not an ongoing relationship with a particular environment or surroundings.

Time-bound stress of events or predictable situations is a second type of stress. This type is best exemplified by the stress people regularly experience at examinations, performances, income tax time—a stress that is usually anticipated, that soon ceases after the completion of the event, and that is, in fact, a function of the anticipation. In this way it differs from acute stress, which is usually unexpected.

Long-term stress, the type of stress experienced by a significant number of people in my sample, is a stress that the actor sees no promise of diminishing over time. Many types of situations contribute to the experience of long-term stress in the work setting (see Kahn et al., 1964; Cooper & Marshall, 1976; Beehr & Newman, 1978; McLean, 1979; Davidson & Cooper, 1981). In these instances, the stress an individual experiences is often linked with the inability, real or perceived, of escaping the stressful situation.

Another dimension of stress is its relative immediacy: is it actually experienced by a given subject, or is it anticipated or projected, and by whom? For example, there is the actual experienced stress, as illustrated by the person who says, forthrightly: "I'm uncomfortable; this is unpleasant and is getting to me." Projected or anticipated stress, on the other hand, is an estimate of

stress by someone who is not directly in a situation. This is the outsider's assessment of stress, the person saying, "If I had *your* job, I wouldn't be able to stand it!" This assessment of stress by the outsider often has little resemblance to what is perceived as stressful to the insider.

A third dimension of stress is its social visibility. Some occupations are publicly known to be very stressful and are recognized as such. Others may "advertise" their work stress in an attempt to get the public recognition and reward they see themselves as deserving. In this sense work stress can be social currency. People who work under stressful and dangerous conditions, where a high level of productivity is demanded under pressure, often see themselves as better than others for being able to tolerate the stress.

In identifying and describing some of the general characteristics of stress associated with correctional facilities, one also needs to isolate the stress generated in a specific work environment of corrections from other sources of stress for a worker. This means distinguishing work stress of corrections from (1) the general stress of living in American society at present; (2) the types of stress an individual carries with him regardless of the environment he is in; this is best illustrated by the Type A personality (Friedman & Rosenman, 1974); (3) the stress generated by specific events and situations outside of the work setting of the individual, such as a marriage or a death; (4) the stress of work in general, regardless of the type of work setting; and (5) the specific stresses associated with specific work settings and the types of people who work in them. (Here one can even think in terms of Type A and Type B work environments that sustain certain levels of stress on a regular basis.) It is in the last area that I shall focus my discussion of employees in correctional institutions by looking at recurring stressful situations for the occupation as a whole rather than just for specific individuals. First, however, a brief description of the range of work experiences of the people comprising the sample is necessary.

WORK EXPERIENCES IN CORRECTIONAL INSTITUTIONS

As one might expect, there is a range of responses among employees in the correctional work environment. Some people stay in these settings with little problem, others leave, while still others experience a great deal of long-term work stress.

Those Who Stayed and Experienced Minimal Stress

A significant number of correctional employees in my total sample experienced only minimal stress in their work. (This group comprised the cross-section of employees throughout the country.) The majority found the work initially stressful and were often overwhelmed on the first days of their job. Significantly, however, they were able to master their work and find challenge and excitement in it. They adapted with few problems.

The employees who did cope with their jobs without a great deal of stress seemed to have most of the following characteristics:

1. Their personality was not one that created its own stress.
2. They had the ability to do the job.
3. They saw themselves as integral parts of the organization.
4. They believed they were valued by their superiors and respected by co-workers and charges.
5. They believed they would be promoted in rightful sequence.
6. They enjoyed the company of their co-workers and were able to talk to them about their feelings at work.

The respondents who stayed indicated that they kept their jobs because they liked the work, found it challenging, felt they were accomplishing more than the average person, and liked the pay and the people with whom they were working. Many noted that the work was interesting and that the time passed very quickly. They remarked on the challenge of the job and the fact that they felt proud that they were successfully working in an "impossible" environment. Most indicated they would not consider moving to another job unless job conditions changed radically for the worse. If that was the case, they would prefer to go into police work or into private security.

In describing their greatest stressors at work, these correctional workers did not talk about fear of inmates or about physically unpleasant working conditions. Instead, they emphasized the lack of communication between themselves and their superiors, budgetary problems, "know-nothing" legislative interference, incompetent and unprofessional co-workers, and inaccurate press coverage of their institutions. In individual sessions, however, these correctional workers discussed their concern for their personal health, their anger at the system, and their fear. Some complained about feeling unprepared for their jobs. In general, few of the factors discussed were entirely specific to the role of a correctional officer or correctional administrator, but instead had to do with organizational factors one would find among people working in banks, insurance companies, or other government jobs. The person who stayed without experiencing a significant degree of stress often perceived the same stresses as others, but managed to cope with them. Even though he may never have really liked the job, he learned to deal with it and approach it as "just a job."

Those Who Left

Many employees, on the other hand, came to dislike their jobs and ultimately leave them. From them, a rather negative picture of corrections emerged. Soon after many of these people began working in corrections, they became aware that their occupation had a different status. They learned both from their co-workers and from the public that the public is very ambivalent about their occupation. They sometimes became aware of negative feelings in

reported that they were harassed or chided because of the worker's occupation. They themselves sometimes became uncomfortable in public and were frequently defensive. The correctional officer discovered that for the majority of his time, he was in the same bind as the inmate. He shared the same conditions as they did and could not leave.

One correctional sergeant who dropped out described the occupation as being "macho" and reported that the correctional officer is permitted to gripe only about selected aspects of his environment. He cannot complain about his fear except if it is experienced in certain acute situations. For example, he cannot admit that he is afraid all of the time. He cannot report even the symptoms of fear. He cannot complain about chronic anxiety or chronic depression or impotence. If he shakes, he had better hide it. On the other hand, he can gripe about the legislature and the public and the courts and the low pay and his benefits and the overtime. He *can* gripe about external factors that affect all correctional officers, but he cannot complain about those that reveal some special vulnerability on his part. Many found these conditions too unpleasant to contend with and they left.

Those who did leave their jobs, however, did not always achieve cessation of their discomfort. Among the subjects in this study, symptoms diminished but did not always disappear, nor did the stress itself end when they left their jobs. The workers continued to be angry or depressed about their experiences. They initiated claims that required numerous medical examinations, conferences with lawyers, and hearings, all of which tended to keep alive the memory of their unpleasant work experience. Some few did feel better as soon as they left the job, but for most, the combination of anger and secondary gains contributed to the fixing of some of their symptoms.

Those Who Stayed and Developed Long-term Stress

While a large number of people did cope successfully with working in the corrections environment, a significant number did not. Some of these, as mentioned, left the institution. Others stayed on and came to experience long term stress in their jobs. (For a more extensive discussion of this group of employees see Brodsky, 1977.)

The development of long-term stress among these employees followed a sequence beginning with awareness of some change and proceeding through a realization that the work environment had become unpleasant. There was a concomitant sense of tension and a pronounced ambivalence about whether to stay on the job or to leave it.

In general, long-term stress was found when several or all of the following ingredients were present in the employee's work situation:

1. contradictory goals or objectives, ill-defined lines of support, or role ambiguity, all with no hope for improvement;

3. consumers of the services who are uncooperative, unappreciative, or who actually threaten violence to the worker;
4. a triggering event that makes the worker aware of his vulnerability and his isolation;
5. internal and external forces that make it difficult or impossible for the worker to resign; and
6. physical and psychological symptoms that progress in severity.

Conditions Precipitating Long-term Stress. While those were the general ingredients for the development of long-term stress, there were often more specific precipitating conditions for the employees. As indicated in Table 1 below, these conditions for correctional officers were with charges, and/or with co-workers, and/or with superiors.

One disorganizing factor for the subjects was the sudden or growing awareness that the job was dangerous. A person working at a dangerous occupation generally knows that there is a risk, but does not associate the danger with his own person until he himself or a co-worker is attacked and injured. Some of these workers come to see themselves as vulnerable and to see the job as dangerous.

Other changes contributed to growing tension. Frequently, changes in administration made the worker feel that he was no longer in favor; changes in personnel made him feel isolated and no longer part of the work family; or, paradoxically, a promotion made the worker feel that he had exceeded his level of competence and that the approval he had formerly enjoyed had turned to criticism.

When work pressure became overwhelming and the symptoms painful, and when there was no hope for relief, many of our subjects considered leaving their jobs. As indicated, some did so and felt relieved. Yet many others stayed on. In many ways these people were trapped workers, as they believed they had few job alternatives. Like their charges, they felt they could not escape. They were often at an age when career change was difficult. Further, many of the correctional officers were without general salable skills. Very few had become officers after having been successful at other occupations and a number had failed in some way in police work, which required political skill in relating to superiors and the community. Some had become guards after retiring from military service and expected that the correctional system would offer a continuation of their noncommissioned roles, together with the benefits of a salary, an additional retirement, and the advantage of not being transferred every two or three years. Understandably, these individuals felt that they had no place to go if they left the correctional system. Their only remaining options would involve jobs where the work was harder or the salary lower.

One may well ask, which employees experienced long-term stress? As found in the initial sample (Brodsky, 1977), there were no outstanding recurring characteristics of the employees who were not able to successfully cope in

TABLE 1.
CONDITIONS PRECIPITATING LONG-TERM STRESS
FOR CORRECTIONAL OFFICERS

With Charges

Disorder of uncontrolled and uncontrollable inmates
A harassing inmate
The threat of violence against them by inmates
The experience of violence, particularly unexpected
Their inability to retaliate or punish in kind

With Co-workers

Competition for choice slots and assignments
Personality clashes which would have taken place in any setting
Fear they will not be backed up or protected by their co-workers
Belief that they are being excluded

With Superiors

Pressure designed to force them to resign or ask to transfer
Changes of assignments—from low duration contact to high duration contact—
with dangerous inmates
No backing when attacked or goaded by inmates
No support in dealing with public problems with visitors, protestors, press

the correctional work environment. In most cases, however, they tended to be hyperadapters and very much prosystem employees.

In many respects a great deal of adjustment has to do with the nature of "fit" between a type of individual and a type of environment (Caplan et al., 1975). Clearly, some occupations suit some people better than others. In the correctional work environment there are some characteristic bad "fits." For example, the employee with a Type A personality is frequently troubled by the slowness of the correctional environment and by his inability to make it go any faster. The anxious person, on the other hand, has trouble differentiating between internal and external sources of anxiety. He tends to make others nervous because they are never sure if the source of trouble is internal and idiosyncratic to him or is in the environment. The histrionic personality is often a role player who has difficulty conforming to the requirements of a job because often his notion of a job is a melodramatic theatrical one which does not encompass the actual realities of the job. He frequently behaves in keeping with the way he perceives the role, as opposed to reacting to the requirements of the situation. This often leads to behavioral dissonance.

While most psychotic employees are eliminated in the screening process there are times when people are sufficiently compensated to "maintain" and conceal their disturbance. Such persons have great difficulty in processing external stimuli, even in quiet environments. In a correctional institution where inmates frequently harass both each other and correctional officers

(especially those officers who demonstrate vulnerability), the borderline psychotic person is literally overwhelmed by such stimuli and misinterprets them as being far more threatening or meaningful than they actually are.

Long-Term Stress and Burnout. People in our society are programmed to accept long-term stress and to pride themselves on their willingness and ability to tolerate it. People tend to tolerate long-term work stress as long as they positively value the activity and its outcomes. At some point, however, long-term stress becomes burnout. This can occur when:

1. The stress-producing factors increase.
2. The individual resources are attenuated by anxiety or worry unrelated to the stress-producing elements, e.g., illness or concerns about health or family.
3. A change in the rewards for tolerating the stress occurs; for example, no raise in salary when one is expected and hoped for or a loss in buying power due to inflation.
4. Others are given raises or supervisors withhold praise or actually criticize the employee.
5. The congeniality of the work place is changed by the departure of some people and their replacement by different ones.

Burnout is a condition that is seen in all human activities. It is a change in perception of the value, the desirability, or the achievability of a goal, a person, a relationship, or a state. It is first experienced as a decline in satisfaction, a change in the ratio of preferred output of effort to positive emotional return. Other conditions must be met for it to qualify as burnout, however. The subject must be disillusioned and angry if he feels cheated, or depressed if he feels that he has been foolish because he believed that the job or relationship was worthwhile.

Burnout can be manifested directly or indirectly; the individual may be aware that he is in burnout and say so, or one may only infer it from his behavior. In any event, there tends to be a spread of burnout feeling from work to other areas of life—one's relation to one's family, one's hobbies, one's friends. Burnout is a fluctuating phenomenon, not an all-or-nothing one. It can change by the minute, the hour, or the week. If it is not responded to and reversed in any way, however, it can come to disrupt the whole ecosystem in which the individual functions and affect his whole life. In this way it may become more permanent.

Burnout in corrections was found in the following situations:

1. The correctional officer who expected his job to be different, more exciting, less routine (instant burnout).
2. The correctional officer who discovers that he is constantly tense while on the job; he decides it is not worth it.

3. The correctional officer who comes to believe that the system is corrupt and he is not or does not want to be a beneficiary.
4. The correctional officer who decides that his effort and the system as a whole have no worthwhile function.
5. The correctional officer who is in a high position and then shunted aside; the person who is no longer a member of the group in power.
6. The correctional officer who becomes depressed and sees nothing in his life as worthwhile.
7. The correctional officer who becomes physically ill or who is approaching the age of retirement and sees an end to his own role.

CORRECTIONAL INSTITUTIONS IN THE UNITED STATES AND THEIR IMPLICATIONS FOR THE EMPLOYEE

That people working in the correctional environment experience a significant degree of stress has been amply documented. The sources of this stress cannot be pinned to the characteristics of the individual employees alone but must also be seen as part and parcel of the structure and culture of the correctional institution and its role in American society.

The first and primary goal of the correctional institution is to isolate from the rest of society people who have committed crimes. In this way, the correctional institution is a buffer institution—it serves to separate and protect society from criminals. There is an added demand here, however. These institutions should not intrude on the awareness of society at large. A good institution should be quiet (Duffee, 1974), invisible, and isolated. It is as if members of society do not want their lives interfered with in any way, nor do they want to be reminded of society's failings. For in many ways, correctional institutions do represent a failure in social functioning. Ideally they should not be needed. In fact, the belief that crime should not exist, and the reality that it does, contribute to a strong desire to keep prisons, prisoners, and facts about prison life invisible and silent. Society wants only that those whom it pays to deal with these problems develop techniques for euphemizing these problems, as does the good undertaker in Evelyn Waugh's "The Loved One."

Not only are correctional staff charged with keeping things away from society, out of society's eyes, so to speak, they are charged with keeping people inside (Sykes, 1958): they function through the coercive containment of their charges. In this way, they resemble mental institutions (where hospitalization is involuntary) and occasionally our public schools (Brodsky, 1977).

One might assume that any organization or social structure which consists of one group of people kept inside who do not want to be there and the other group who are there to make sure they stay in, will be an organization under stress. This is particularly the case in recent years in corrections, as more and more prisoners see themselves as victims of society rather than aggressors of society (Irwin, 1977; Carroll, 1974). Many do not see themselves

as proper targets for punishment by incarceration.

As the name indicates, the correctional institution is charged not only with protecting society from criminals but with changing or "correcting" them. There are several deep American assumptions behind this goal. For one, there is the firm conviction and belief that anything is ultimately achievable and correctable. Americans seem to despise recognizing human limitations and resent the fact that people have them. Instead we tend to approach life as if all change were possible. This includes the belief that a criminal can be corrected. Second, there is a deep conviction in the fundamental unity of man and an ongoing regard for the freedom of the individual from inhumane treatment (Bellah, 1971). Bellah, in his article, "Evil and the American Ethos," however, maintains that this is only one of two deep and conflicting American assumptions about good and evil:

Both the assumption of the fundamental unity of man and the assertion that whole groups of people are defective and justly subject to extreme aggression are genuinely part of our tradition. (Bellah, 1971:178)

He maintains that nowhere more than in America has a universal concept of man existed side by side with such harsh and brutal exclusions (Bellah, 1971:178).

These two conflicting traditions are most overt in the institution of the prison. As Galtung (1961) and others have pointed out, society has assigned purposes and conditions to prisons which are fruitful for social dilemma. On the one hand, the public should understand prisons and help rehabilitate prisoners; on the other hand, the prison should be rejected by the public because it is a place where bad people are confined.

These two goals of correctional institutions—custody and treatment of society's criminals—however, prove to be contradictory and unachievable in most institutions (Shover, 1979). For the institution, these contradictory goals contribute to a contradiction between what the organization actually does and what it says it does (Goffman, 1961; Irwin, 1980). In fact, the rehabilitative ideal has been revealed as unrealized (Irwin, 1977; 1980). From all accounts, the world of corrections currently suffers from ideological disorganization (Irwin, 1980). There is little consensus on what to do, and contradictions and conflicts abound.

What are the implications of this current nature of the correctional institutions for the people working in them? What situational dilemmas do they repeatedly confront, dilemmas that make their work a stressful experience? A discussion of the problem identified both from my sample and other studies of correctional employees follows.

Uncertainty and Confusion

One consistent complaint of correctional employees across the nation is

1976). In fact, many changes have chipped away at the firmness of the traditions of correctional facilities. For one, we no longer take it for granted that some people will have to be kept in, and others will keep them in, and keep them in any way they can. The increased questioning of many of America's social institutions in the 1960's found the prison institutions a focus of attention as well (Irwin, 1977). There is a growing sense of the rights of prisoners and more and more recourse to the courts on their behalf. This has led to numerous changes in the correctional institution and has contributed to a sense of uncertainty in the institution.

This includes constant changes in policies directed towards correction and undoubtedly reflects the confusion and ambivalence towards correction in American society in general. As one officer notes: "The idea of what prison should be like has swung from one end of the pendulum to the other. No one really knows what the answer is" (quoted in May, 1976:12).

The result of so many changes is a great deal of uncertainty for the officers. Rules mean different things to administrators and officers (May, 1976; Shover, 1979). Officers are unsure what behavior will be rewarded or punished. Many feel they are offered only general theories to go on, and it is up to them alone to operationalize them (May, 1976). Conflict among employees and between employees and inmates has increased as a result (Carroll, 1974).

In addition to the uncertainty generated by outside influences on internal policy there are many other internal sources of uncertainty and precariousness in the correctional institution (Guenther & Guenther, 1980; Crouch, 1980[b]). There is uncertainty regarding inmates, as it is impossible to predict the behavior of over 2,000 men in captivity, as some personnel need to do. There is the unpredictability of maintenance issues of corrections, such as machinery and equipment. Finally, there is uncertainty relating to other employees, most basically the uncertainty of whether they will arrive to work or not (Guenther & Guenther, 1974).

Role Conflict and Role Ambiguity

For the people who work in corrections, particularly correctional officers, the societal confusion about corrections contributes to role conflict and role ambiguity (see Kahn et al., 1964; Cressey, 1959; Thomas, 1974; Pogrebin, 1979; Check & Miller, 1979; Hepburn & Albonetti, 1980). The employees must constantly work out conflicting job goals and role definitions (Check & Miller, 1979; Cheatwood, 1974). His role is frequently ambiguous. For example, one director noted, "It's hard to draw a line between fraternization and being friendly. That line is still a large, monumental dilemma for the correctional officer" (quoted in May, 1976:36). According to some officers, their "dual duty of dodging inmates' attacks while cultivating their friendship creates a strain that is physically and mentally taxing" (Foote, 1981). All of this reflects, again, basic conflicts in the goals of the institution: maintaining security and rehabilitation. The guards are caught right in the middle.

(Cormier, 1975; Jacobs & Retsky, 1975), unable to do both. Guenther and Guenther note: "The presumption that correctional staff have extensive and potentially therapeutic interaction with prisoners, when in fact they don't, may well be an important source of strain in the officer's role" (1974:163).

Danger

By all standards, the job of the correctional officer is dangerous. For example, more than 500 felony crimes were committed by Folsom inmates in a period of approximately seven months, according to Jeff Thompson, head of the California Correctional Officers Association (Foote, 1981). According to the department of Corrections, there were 1,435 assaults on officers in California prisons from 1970 to 1980 (Foote, 1981).

Irwin (1980) discusses the increase in violence in the contemporary prison. The reasons for this increase and danger for the officer are several. Firstly, prison populations have grown more politically active, more restive under repressive conditions, and more aware of the limited capacity of the authorities to respond to individual instances of hostility toward guards. Prisoners are acting out their anger, frustration, and other aggressive feelings more than before, and guards are the most available targets for this aggression (Shover, 1979; Irwin, 1980).

Secondly, there has been a change in inmate and social organization, in part a result of administrative efforts to decrease inmate unity. According to Irwin (1977; 1980), this has contributed to a changed inmate social structure, a more fractionated, distrustful, and ultimately violent one.

Thirdly, due to the combination of overcrowding of inmates (Balzar, 1981; Gigot, 1981; Lieber, 1981; Reiterman, 1981[a];[b]) and understaffing of officers, the officers are far outnumbered by the inmates (May, 1976; Shover, 1979). Unlike the inmates, the officers are frequently unarmed (Jacobs & Retsky, 1975; Shover, 1979).

Furthermore, recent efforts to classify inmates according to their "dangerousness" has resulted in the concentration of more dangerous people in one, usually overcrowded, setting (Reiterman, 1981[b]).

For the correctional officer on the front line, then, the threat of assault and potential danger is always looming around the corner (Jacobs & Retsky, 1975). Unpredictability is a watchword for correctional employees. As Guenther and Guenther (1980) point out, "repetitious uncertainty" pervades the officer's work and is a great source of tension and strain. One officer put it this way:

You have to live with the constant feeling that something bad is going to happen. When an inmate pulls a weapon and there are 30 or 40 others standing around waiting for you to bleed, there is a kind of fear involved that is impossible to describe. (Foote, 1981)

Not surprisingly, many employees perceive security as the most pressing work

Caught in the Middle: Scapegoat Times Two

One of the consequences of working in a buffer institution is that correctional employees are the people caught in the middle (Duffee, 1974). On one level they are caught between "the silent middle class, which wants them to do the work and keep quiet about it, and the objects of that work, who refuse to continue to take it lying down" (Rainwater, 1974:335). In many ways, society scapegoats prison guards. It is as if certain social systems function as "blame drains" or "blame blotters" for society's failures. They can take inordinate amounts of blame and not fall apart and not fight back, and not be so defensive that they make it impossible to be blamed. When these institutions fail to function properly, however, society often criticizes those who implement the policies rather than question its own remedies and policies for correction. Correctional officers, being at the nexus between society and its criminals (Crouch, 1980[a]), are the most convenient focal point for society's blame for unsuccessful policies (Lyle & Horner, 1973). Not surprisingly, many people working in prisons cite a major stress in their work as the constant blame and attack for inmate problems (McCall, 1979).

On the other hand, correctional officers are often the scapegoats of the inmates in their charge, who are there not by choice but by force of law. The employees are not responsible for putting them there and have only a minimal hand in their leaving (Lamott, 1972). Yet the anger and frustration of the inmates is most frequently vented at those most present—fellow prisoners and correctional officers who are, in fact, the most convenient and visible manifestations of the system against which these aggressions are directed (Shover, 1979; Cormier, 1975; Weinberg, 1941-42).

On another level, correctional officers are caught in the middle, between the subculture of administration and the subculture of inmates (Cheatwood, 1974). As a result, they tend to create a set of values and criteria that are a function of both (Cheatwood, 1974).

Thus, being caught in the middle means two major things for correctional officers: being blamed for problems from both sides (Shover, 1979) and finding themselves in conflict between the subcultures of administration and of the inmates (Cheatwood, 1974; Duffee, 1974).

Strained Relations with Inmates

In many ways, the correctional officer's relationship with inmates is problematic. First, there is the ongoing threat of danger, as mentioned. More generally, one could describe the relationship between inmate and guard as one of mutual distrust (Cormier, 1975). As indicated earlier, the prisoner frequently perceives the person representing society as a persecutor (Cormier, 1975:10). Paranoid thinking becomes a way of life. For the correctional officer, this presents a danger—the ever-present temptation to become, in fact, a persecutor. As Cormier notes: "Few individuals in democratic society are ex-

guards" (1975:12). Maintaining good rapport with inmates, then, is a real challenge.

This good rapport with inmates is not an inconsequential pleasantry. It is one major weapon against danger of assault and harassment. As Foote notes, "The guard's dual duty of dodging inmates' attacks while cultivating their friendship" is a major source of stress and strain (Foote, 1981).

According to many correctional employees, the key to being a successful correctional officer is to ride down the middle and not be an extreme—not to feel sorry for the inmates and not to bully them. It is essential to gain their respect (May, 1976). This entails treating each one like a human being with little consideration for what they did to get them in prison (May, 1976). This blanketing of judgment can become a strain for some employees.

Another source of strain is a confounding situation in which the superiors, in this case the correctional officers, are in much the same situation as their subordinates, the inmates in the correctional institution. Correctional officers have very little control over their working conditions; they share many of the same, less than optimal, conditions as the inmates; they use the same language, and often, they share the same stigma as the inmates (May, 1976). In fact, early on they learn that they are almost as captive as their charges (Shover, 1979). Like the inmate, as well, the officer often feels alienated from those above and the middle-class life they represent (Duffee, 1974).

Furthermore, officers may find themselves watching inmates reach goals that are elusive for themselves (Fogel, 1975) or participating in the rehabilitation of a person who, once released, may occupy a social and occupational position as high as or higher than that of the employee himself. Offenders leave prisons, but guards remain (Cormier, 1975).

As the correctional officer and the inmate share many things in common, there is the danger of too much similarity and the contagion of moral degradation. Cormier (1975) noted that many feel a danger of attaching themselves to a bad object and a fear of mutual identification with the criminal. Employees are constantly "on guard" about the relationships they develop with inmates. When a link begins to develop, the reaction is to prevent it and break it (Cormier, 1975).

A further situational dilemma is that correctional officers must deal routinely with individuals whose cooperation they must gain (Shover, 1979). They are dependent on inmates for successful job performance and thus must strive to gain their acquiescence (Sykes, 1958).

Strained Relations Between Correctional Officers and Administration

From many accounts, there are currently strained relations between correctional officers and administration in today's correctional institution. One persistent problem for many correctional officers has been an inherent structural contradiction. Shover describes it this way:

Historically, prison guards have been organized along paramilitary lines, and have been expected to employ rigorous rule enforcement, and coercion if necessary, to maintain institutional security. Despite these articulated expectations, their superior officers judged their work performance on the basis of how quietly their work assignments were run and how few problems the guards created for them. The inherent contradictions between these two sets of expectations has been one of guards' principal problems. (1979:121)

The result is that many correctional officers feel very much on their own in terms of meeting the expectations of their work. Many complain of a lack of support from their superiors and the manner in which they are supervised (Jacobs, 1978), which tends to be done predominantly through negative sanctioning. Furthermore, many officers have little faith that the system functions fairly. Many feel that promotions are based less on performance and more on favoritism (Guenther & Guenther, 1980; Jacobs & Retsky, 1975; Jacobs, 1978). This may be due to there being few, if any, objective standards for identifying a "good prison guard" (Jacobs, 1978).

There are many signs of guard dissatisfaction and growing dissension within the bureaucracy of corrections (Irwin, 1980). The ideal of mutual commitment between worker and organization appears to be a rare reality. In illness and in health, it becomes all too clear that the worker believes he invests far more in the organization than the organization does in the worker. This is most evident when the worker is sick and in need. Many complained that they received no attention at all during hard times, and when they realized that the loyalty only flowed one way, they were upset.

On the other hand, the increasing organization and unionization of prison guards has presented some problems for administrators (Irwin, 1977). The increasing loss of a guiding philosophy to justify and dignify their efforts makes their work increasingly trying (Irwin, 1977).

Strained Relations Among Employees

Group solidarity can be a major buffer against work stress (Caplan et al., 1975). Because of the very real threat to security in their work, group cohesiveness and reliance on co-workers assumes additional significance for employees in corrections. However, there are many forces against cohesion in the correctional work environment.

For some employees, the requirement of nondiscriminatory hiring policies threatened group cohesiveness and collegial trust (Irwin, 1977). Although white male correctional officers in my sample were not against the hiring of women or minority men as guards, they feared that women would not be strong enough to protect themselves or their coworkers. Many feared that the presence of minority guards would inhibit their own expression of emotion about their work, if this took the form of racial slurs against inmates. They were also concerned that minority group guards might tend to identify

with prisoners of their own ethnic origin and thus would be undependable in a crisis (Gass, 1970). This has all contributed to a growing split in the ranks among guards and other employees. Most outstandingly, this split is between the newer, younger, more urban and often nonwhite guards vs. members of the "old school," who tend to be older and white (Irwin, 1980; May, 1976).

A second common force against social cohesiveness among correctional officers is administration. There is often a fear among employers that strong group solidarity is a danger to a correctional environment. They fear their power and their solidarity will be used to fight the administration and thus detract from the good of the organization. Consequently, they make efforts to break up groups when they find them.

A further source of rift among employees are the inmates. Many are very skilled at pitting staff against staff (May, 1976), thus minimizing a potential source of support for the employees. This is aided by the lack of consensus over role expectations. Finally, the constant turnover among employees further corrodes group cohesiveness, not only breaking a continuity of social relations, but causing those who stay to question their own behavior.

Lack of Influence

In general, people working in correctional institutions have minimal control over their work destinies. Dependent upon federal and state monies as they are, and inextricably linked to the national and state legal system, a good deal of what takes place in prisons is determined by people outside of them. For example, court-ordered reforms have increased at federal, state, and local levels (Dahl, 1981), all having major implications in the working lives of employees and inmates.

Correctional officers, in particular, participate little in the decision-making processes concerning policies that affect their work. Yet they work at the very point of the system in which the institution tries to translate society's intentions (Crouch, 1980[a]). This often contributes to a sense of lack of autonomy (Check and Miller, 1979), which some researchers have cited as the most stressful type of work situation (French & Caplan, 1972; Margolis et al., 1974).

Correctional employees' sense of powerlessness derives not only from their relation to the administration of their institutions, but also from their relations with the inmates. The legal support for prisoners' rights and the threat of court cases, for example, entailed a decrease in the relative power of the correctional employee, as prisoners now have a legal threat to use in their relationships with the guards. For most, particularly older employees, this entails a loss of control and authority in their jobs (May, 1976).

In some instances, this sense of powerlessness has led to a new activism among guards. Illegal sickouts, lockouts, slowdowns, and strikes have been organized by guards, in most instances, seeking to keep or regain more control

California State Employees' Association found 85% of the employees felt that inmates had too much power in decisions (reported in Irwin, 1980:221).

One wonders what is the effect of these feelings of powerlessness and helplessness among correctional officers. For example, do they have any relationship to inmate riots? In a sense a riot is a way of dealing with helplessness. While perhaps not immediately practical, it explodes in order to deal with the feeling of helplessness in a given situation. Furthermore, a sense of powerlessness can be passed on from one group to another and back again. One wonders how much is actually transferred from officer to inmate, from the containers to the contained. Johnson and Szurek (1952) note that children often act out the unconscious conflicts of their parents. One may well ask, are the inmates sometimes acting out destructive impulses of the authoritative figures/guards when they riot? In this way riots, although not planned, are a distinct part of the structure of corrections.

Overcrowding

One of the major conditions prevailing in U.S. prisons that certainly contributes to the danger and stress of the workers' lives there is overcrowding (McCall, 1979). In part, this is the result of a wave of new legislative sentencing policies aimed at curbing leniency and inconsistency in American criminal courts. With public fear about crime growing daily, criminal offenders in federal and state prisons have grown from 196,000 inmates in 1973 to 314,000 in 1981, reportedly the sharpest rise in history (Lieber, 1981). The possibility of riots under these conditions has been amply demonstrated, as is the frequency of assaults among both inmates and guards (Taylor, 1981; Gigot 1981). Overcrowding breeds idleness and discontent; it also tends to breed violence and gang conspiracy.

Inadequate Staff

Achieving adequate staffing in many correctional facilities is a chronic problem (May, 1976). Even when staffing is sufficient, employee absenteeism can create a manpower shortage. And as the stress of the work environment increases, absenteeism also increases. In some institutions, as many as 25% of the workers call in sick every day (Reiterman, 1981[a]).

From many reports, a significant number of people employed in corrections are inadequate to the demands of the job. This is due in part to: (1) poor selection of employees; (2) inadequate training of personnel; (3) high turnover—24% of guards hired in California state prisons leave after 18 months, according to one union official cited in Foote (1981); and (4) job protection extended to both competent and incompetent employees.

Recruitment and selection of qualified employees for work in correctional institutions seems to be an ongoing problem (McCall, 1979; Irwin, 1980; May, 1976). From all accounts, there is little weeding out of the psychological

ly unfit, in part due to the shortage of manpower (Hawkins, 1976), and in part because prison personnel officers do not have adequate measures or criteria for job qualification (Foote, 1981). Generally speaking, selection procedures have remained at a rudimentary level (Hawkins, 1976).

On the other side, applicants to jobs in corrections often have a poor understanding of the job to which they are applying. They ultimately find a gap between the promise of the job and what they encounter. Their meagre understanding is rarely corrected in orientation, where they are seldom told seriously about the shortcomings of the job. It is as if there is a sense that if the applicant were really told what the job were like, he would not take it. But this can, and does, become a self-fulfilling prophecy. When the worker finds out what it is all about and really learns the culture of the organization, he often feels betrayed, as if he was conned into something.

Not only is employee selection a problem, correctional workers frequently do not receive adequate training and preparation for their jobs (McCall, 1979; Hawkins, 1976; May, 1976). In part, this reflects an uncertainty as to what to teach (Shover, 1979). While employees are expected to function in a larger capacity than a guard or custodian, they receive little help in achieving that goal. The issue of incompetence is brought to the fore in situations involving violence in the institution (Cheek & Miller, 1979).

Incompetence among employees is also an issue because of the job protection extended to many correctional employees, both as civil servants and as members of unions. This often leads to stressful situations for both administrators and peers. In fact, people do not deal with those they cannot fire in the same way as they would if they could (Brodsky & Platt, 1978). And in many ways, when a correctional officer is hired, the organization is stuck with him and he with it. This creates a special work relationship, one not unlike a family. It encourages closeness. Also, it encourages acting out of problems. For the employee, it can contribute to becoming a trapped worker. For the administrator, job protection in the face of incompetent workers can be demoralizing and cause for resentment. In general, the ineffective worker drains the system and decreases its effectiveness, a recurring problem described in correctional institutions.

Negative Personal and Social Image

In society's efforts to exclude itself from the realities of prison life, a large information gap has evolved. The life and nature of the work of the correctional officer, who he is and how he approaches his job, are barely known. As May (1976) discovered, most correctional officers feel the current image of prison guards held by the public is based more on the image projected in old movies seen on television than current reports. In many ways this is a negative image.

For many employees, this lack of understanding by the public is difficult

as occupying the lowest rung of the law-enforcement pecking order (May, 1976). This leads to embarrassment about one's job, a sense of shame and isolation, not unlike that reported by other ostracized occupational groups (Skolnick, 1973). There seems to be little cultural pride attached to being a correctional officer (Fogel, 1975).

Working with society's "failures" places the correctional employees in a twilight occupation that one could describe as stigmatized (Goffman, 1963) and polluted (Jacobs & Retsky, 1975). There is often a sense of guilt by association, a contagion effect, such that the failure of the prisoner rubs off onto the worker. Jacobs and Retsky (1975) note that the close contact with convicted felons seems morally profaning for the officer. A group of correctional staff reported to McCall (1979) that a source of stress is their constant dealing with people (inmates) who are failures. This undoubtedly leads to efforts toward distancing and a struggle to maintain moral superiority (Irwin, 1974).

Inadequate Compensation

Compensation for hard and dangerous work can take the edge off tension and stress. For many correctional officers, however, there is only minimal compensation in their work. The pay is extremely low in many places (May, 1976), in fact, the lowest of all employees in law enforcement (Hawkins, 1976). In many places it is a dead-end job, with no institutionalized career ladder (Jacobs & Retsky, 1975).

Furthermore, the correctional officer seems to be the invisible man in the picture (Hawkins, 1976). He has even been invisible to many of the social scientists who have studied correctional institutions (Jacobs & Retsky, 1975; Hawkins, 1976), though there are signs that this is coming to an end (see, for example, Guenther & Guenther, 1974; Jacobs & Retsky, 1975; Fogel, 1975; Hawkins, 1976; Jacobs & Gear, 1977; Jacobs, 1978; Shover, 1979; Crouch, 1980[a]). As Hawkins puts it:

One of the most curious features of the whole history of modern imprisonment is the way in which the custodial officer, the key figure in the penal equation, the man on whom the whole edifice of the penitentiary system depends, has with astonishing consistency either been ignored or traduced or idealized but almost never considered seriously. (1976:105)

From all accounts, then, the institution of corrections is a troubled institution and one in transition. In many ways, it seems that society has not really made up its mind how to treat the correctional institution and how it should function. Society has not found a way to accomplish both security and rehabilitation, nor has it resolved to provide the funding necessary, either for rehabilitation or for creating the kind of setting in which order could be maintained without brutal and repressive tactics that violate the prisoners' rights as human beings (Thomas, 1974). It is thus difficult, if not impossible, for cor-

(Mathiesen, 1965). That they as a group should experience a significant amount of stress in their work is not surprising. That they are found to be cynical (Farmer, 1977), demoralized (Jacobs & Retsky, 1975), resentful (Carroll, 1974), disillusioned (Irwin, 1980), and fearful, undervalued, and poorly understood (May, 1976) makes sense, given the situations many of them encounter.

WHAT TO DO ABOUT WORK STRESS IN CORRECTIONAL INSTITUTIONS

Before addressing some of the specific areas for intervention in correctional institutions, some general overview points must be emphasized. These relate to: (1) the culture of stress; (2) the impact of rapid change; and (3) our approach to solutions of societal problems.

The Culture of Stress: As outlined above, there are many important specific conditions that contribute to the experience of stress in the correctional institution. It is also essential, however, to look above and beyond these specifics and consider the fact that there is, in American society in general and in organizations such as corrections, a culture of stress. By this I mean a culture in which stress is built into the very fabric of the organization and is a fundamental value that moves the organization.

A culture of stress is one in which stress is valued. It is the belief that stress is essential for producing the "right stuff" in people (Wolfe, 1980), that it is the means for creating the right social conditions necessary for a natural selection of people who have "it"—intelligence, drive, elan—from those who do not. Stress is used to motivate people, as if it is believed that without a carrot, a quota, a goal to achieve and compete for, people will not work or strive. Competition and the stress of it are believed to be the movers of man. Thus people are kept uneasy and on edge, as if without the concern for punitive action, the organization would not function and produce at its maximum.

People in the organization end up supporting this culture themselves. They participate in the competition and try and secure a place for themselves in the competitive order. In fact, some get a sense of value and self-worth from just surviving in the organization and stay on because they feel so proud just to have made it.

It is essential for people concerned with stress in corrections to recognize and confront this culture of stress, as it is often the unseen, taken-for-granted cement of the organization. It surely is a factor that contributes to the amount of stress people experience while working in the organization, for in some ways, they are supposed to experience it.

Rapid Change: A second important issue in corrections is the impact of rapid change. The history of the correctional institution and the roles of correctional employees is marked by ongoing and rapid change, particularly in the past 10 to 20 years (Guenther & Guenther, 1980; Irwin, 1980; Crouch,

to consider the overall impact of this rapid change, in-and-of-itself. This, however, appears to be the least understood and emphasized dimension of change.

Rapid change in social institutions often causes the participants to question the fixity and permanence of values and beliefs they hold deeply. With little change, values can be more taken for granted. With rapid change, however, one is forced into awareness of one's values and confronted with new ones to consider. This contributes to a sense of ongoing uncertainty and tentativeness, as one never really knows what will emerge tomorrow and whether what one holds as true today will also be considered true tomorrow.

Because this predicament is rampant in corrections, it is essential that people begin to devote some serious thinking and effort to help individuals in these organizations effectively adapt to rapid change. People should know that personnel problems can be anticipated with the introduction of change, whether it is positively or negatively valued. Thus, there is a need for people specifically trained to deal in adaptational engineering. These people could construct designs for change which would minimize the disruption to personnel's values and beliefs and thus reduce some of the stresses so frequently associated with change.

Approach to Solutions: As a society we tend to believe that there are total solutions to problems; Patients can be cured, criminals can be rehabilitated. We tend to dislike solutions where we cannot be certain that we have solved the problem. Because of this we tend to negate potential and available interventions which are stochastic approaches, approaches which would ameliorate but do not cure essentially unsolvable problems; we tend to ignore approaches that will only reduce rather than eliminate stress.

Furthermore, we need to approach the question of work stress for correctional officers from a systems point of view. We must look at what would help the system as a whole function best, not just at what would help the individual correctional officer or inmate have a higher quality of life, not just at what would cost less, but at what would help the system function as a whole as well as it can. Every approach or intervention will doubtless affect other facets of the system, but not necessarily in negative ways. This must be kept in mind at all times.

What then, are some of the approaches that could be taken to make the work environment of corrections less stressful for the employees and ultimately their charges?

Society, particularly as represented by those in charge of correctional institutions, should be aware that certain occupations place workers in a very difficult position and thus subject them to long-term stress. Society itself has created the problem, and along with the individuals who suffer, society also pays a high price. This price includes the loss of skilled workers who could have continued to contribute to society, actual dollars spent on disability benefits and on medical care, use of medical facilities for that matter that would otherwise be unnecessary, and a general lowering of morale among workers in

these occupations, including those less susceptible to the symptoms described above. Much of this cost could be saved or channeled into socially healthier directions if the problems were recognized and confronted.

A public more sufficiently informed about the conditions of prisons is essential. As Bowker (1977:xii) notes:

Prison conditions are an expression of the will of the general citizenry, and they will not change significantly until the public develops a different conception of what to do about crime and criminals.

There is a need for educational programs for the public that differ substantially from the limited, sporadic newspaper reports. Although not inaccurate, these reports tend to sensationalize and polarize the issues and perceive other alternatives. Furthermore, public education that would increase understanding and awareness of the problems of maintaining correctional institutions and that present realistic views of life in the prison are sorely needed. This would include attention to the specific psychiatric problems of inmates in corrections, the specific problems these people have in surviving in society, their difficulties both in and out of prison, as well as the optimal physical structure of an institution. Programs that educate the public about the nature of work in corrections are also needed. The dilemmas of the role of the correctional officer, as well as the inmate, should be fairly and sensitively described.

Also essential for a positive work environment is that the goals of the organization be achievable. Often this requires that the management be aware of the complexities of the task so that it does not set impossible goals for the workers. Often the public, for example, does not fully understand the complexities of correctional work and assumes simple and very high expectations that are unreachable.

Thus, organizational goals and objectives must be as internally determined and produced as possible. An organization that can say, "We know the job and this is what is possible," is in a better position to determine organizational goals and objectives that can be realized by the workers. It is in a position to know how much is achievable and to set feasible standards of success and failure.

Most people often need to see some positive outcomes of their work, and outcomes that they believe in. If they experience their work as worthwhile, that may not reduce the stress completely, but it will probably decrease it. In this way, the work satisfaction and amount of stress employees experience is tied to the overall success of the endeavor. But are correctional institutions successfully rehabilitating people? From most reports (Shover, 1979), the answer is "No." This is due, in part, to the fact that the current resources of correctional institutions are incompatible with the goals they are trying to achieve.

At the base of work satisfaction and minimal stress in a job is a sense of

commitment between the organization and the employee. The employee must feel that the organization's goals are his goals, its people are his people. If the employee knows that the feeling of commitment is mutual, much progress can be made. There must be a culture of support in the organization and an approach that one cannot just hire and fire people at whim, one must stick with people that are hired. On the other hand, administration must be able to get rid of the incompetent employee when he proves a strain for others. Some balance must be maintained.

There needs to be a sense of common purpose toward the job and the institution in general, a feeling that, "We're all in this together." Coming from this shared sense of purpose is a flexibility towards work to be done, a feeling and knowledge that others will take over where you left off. Behind this is a faith and trust that it will all "average out" in the end, so that while the contribution of one employee may be extreme at one time, it will all ultimately balance.

Managerial practices are needed that would involve finding ways of taking into account the fragility of people under stress and of being supportive of them while they adapt to work and to change. It would require fostering cohesiveness among the workers and their colleagues, even though they may be competing with each other for promotions or favored shifts. Part of the problem is that the institutions involved have not been able to develop a balance between prisoners' rights and officers' rights and working conditions. According to some, the rights of correctional staff have been ignored (Kozlowski, 1979). One wonders, in fact, whether a balance is an impossible goal, given the degree of court intervention. At present, administrators seem to avoid these issues simply by picking on the weakest individuals in either group, the very ones who can least tolerate being targets.

Role expectations need to be clearly communicated and achievable—people should know what is to be done and by whom. These expectations should be spelled out in great detail and discussed if necessary. It is essential that the expectations be realistic (Munter, 1979). If necessary, the role of correctional officer should be restructured (Cheek & Miller, 1979).

Greater participation by employees in the decision-making process is also essential (Margolis et al., 1974; French & Caplan, 1972; Cheek & Miller, 1979). Faulty communication between administration and employees, cited as a major source of employee stress (Cheek & Miller, 1979), should be improved in order to minimize organizational conflicts. Conflict in any organization is inevitable. Yet there are a myriad of ways in which it can be handled, some of which can minimize stress to a great extent. There must be, however, institutionalized mechanisms for workers to air grievances and to have them responded to appropriately. On the other hand, there needs to be a deep and sincere disapproval of the person who disrupts for the sake of disruption, who behaves in a way that makes life tense for other people. There needs to be overt and covert censuring of this behavior and a communication and support

Personnel must be carefully and properly selected. The educational background of correctional officers must be upgraded. If the hope and intent is to professionalize the role of correctional officer, as it should be, the appropriate educational training is essential to achieve this goal.

Proper selection is also dependent upon having clear goals and objectives which are congruent with the job that needs to be done. The selectors must be clear about what work they want done and who they want to do it. Ideally, one would have a choice of applicants of high quality and highly suited for the job at whatever level of skill required. They should be well aware of the pluses and minuses of the job and choose the job with eyes open.

Besides choosing employees with the necessary skills and ability for the job, one must select individuals who are able to cope with the inevitable discomforts of the job, such as being a newcomer in a potentially dangerous setting. One wants individuals who are able to be part of the group in a supportive way and who can be trusted. Furthermore, it is essential to prepare and train employees to meet the requirements of the job. This means emotional, intellectual, and physical training. Common sense dictates that workers in stressful occupations be warned about the dangers of their jobs. Similarly, employees in corrections should be told of the potential physical and emotional dangers of their work.

Ongoing in-service educational programs should be systematically provided for correctional employees. Efforts to help employees understand their own institution and its complex structure and function in American society should be made. Ongoing case conferences, much like those held by health care staff in hospitals, would provide another context for discussion. These would not only increase understanding of the particular cases, they would serve to increase officers' involvement in their work. Similarly, more supervision should be provided to correctional officers such that they are more able to function in a helping role (Johnson, 1977; Check & Miller, 1979).

Meaningful recognition of workers is needed over time. Promotion is one possible avenue. A meaningful support system, however, is an immediate way of rewarding a good job right away.

Change is an inevitable fact of organizational life. It usually cannot be totally avoided and in many cases is actually sought after. An organization needs institutional mechanisms for dealing with change in a humane and sensitive way, for allowing people to deal safely with their resistances to change, if they have them, and to understand what the implications are for them. They need to understand the rationale for the changes, and, if necessary, deal with their fears of them in a safe and accepting setting. Change is most stressful when imposed arbitrarily and without permitting involvement in the decision-making process by those affected and without providing full explanations of the changes (Warshaw, 1979).

Finally, the minimum for any work environment is healthy and comfortable work conditions (Munter, 1979), including space, cleanliness, degree

minimum standards set for a particular institution, something that is a far cry from the actual state of many correctional facilities (see Lieber, 1981; Reiterman, 1981; Taylor, 1981).

The Management of Long-term Stress

It is important to remember that almost any intervention one makes helps ameliorate long-term stress. The worst situation is when people keep their stress to themselves, when they lock in their own uneasiness and sense that they have been picked out as the victim. For this reason, anything that helps people look at, rather than deny, their feelings and that gives them a sense of control over their work situation serves to reduce long-term stress.

Methods for early identification of work problems are essential in order to curb the development of long-term stress. This means that someone must be watching for signs of work stress in corrections on a regular basis (see McCall, 1979:67 for common signs).

Individuals who feel particularly stressed and in conflict should have some organizational options for dealing with their stress. They may need to take a breather from work; they may need to talk to someone about their feelings, or they may need to have a moratorium. In any event, they should be supported and encouraged to seek help when they feel they need it. If the sources of help for those experiencing stress are institutionalized, workers may be more likely to recognize their own problems and be better able to ask for help without feeling themselves stigmatized as inadequate. In fact, the very establishment of resources should indicate that there is no stigma attached to the need for relief from the stresses of these jobs.

Resources should include specially trained people who can work with the situational dilemmas the staff encounters, rather than the idiosyncracies of their personalities. In fact, there is something wrong with the system, and workers caught in it need the reassurance that it is normal and reasonable to feel the effects of the stress which they encounter.

The organization itself can be most effective in reducing stress by engendering mutual support among its workers and by discouraging harassment, scapegoating, or cruel teasing. Fellowship and organizational support help alcoholics stop drinking, gamblers stop gambling, and can be an enormous resource for reducing work stress and the damage that it causes. Administrators, however, are often reluctant to participate in the formation of workers' groups, having little faith in the abilities of workers to organize and maintain such groups. They should be encouraged to establish open channels for workers, so that they themselves can become aware of the sources of their discomfort, dissatisfaction, anger, and not try to resolve them with simple solutions.

Having recognized the existence of this long-term stress, correctional management should provide ways out for the worker: a sabbatical or a change of occupation should be made possible. Councils of co-workers might

evaluate or assist a troubled worker to decide whether a change of assignment or a program of retraining should be offered.

Workers should not have to suffer to the point of developing all the possible symptoms of long-term stress and becoming disabled before any effort is made to help them. The current system is too costly, both to the individual and to society as a whole.

SUMMARY

The approaches to alleviating stress in corrections too often target the individual worker and the specific work environment as the primary carrier of stress. They seldom look beyond the individual and the walls of the environment to broader social and cultural sources of that stress. While these are surely more difficult to change, they must be tackled, nonetheless, for they form and shape the work environment.

As the sources of occupational stress in corrections are predominantly social and cultural in origin, further research and intervention at this level are highly recommended. Social scientists, including medical anthropologists and sociologists, could participate in research and policy that address social and cultural parameters of work stress in the correctional environment. In this article I have attempted to identify some of the appropriate targets.

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Memorandum

Treatment of Staff Victims of Violence

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Appendix B

I-78

Only recently has reliable data on institutional violence begun to be evaluated seriously, and there is every indication that the problem is significant. Data from the National Institute of Justice shows that at least one-third of the individuals in large urban areas will be victims of violence. The percentage for women is even higher. As has been discussed throughout this volume, the risk of violence by patients, families, and outsiders has not bypassed health care systems. Even with increased security, attacks continue. At times, employees have signed petitions demanding tighter security, protested a lack of security, admitted to carrying revolvers to work, and declined to be hired, creating staffing problems.¹ As mentioned in Kenneth Tardiff's chapter on the psychiatric patient, assaults have occurred against 42 percent of the psychiatrists surveyed.² When assaults are brought to light, silent suspicion or a recriminating finger is often directed toward the victim.

Staff members tacitly deny the problem. Under-reporting of assaults on staff members in a state hospital has been documented.³ At a Veterans Administration neuropsychiatric hospital, the respondents, who had an average of six years of psychiatric nursing experience, reported being assaulted an average of seven times prior to the study period.⁴ Even the patients and lay public seem to take assaults for granted. This attitude is typified by one female patient's response in a study⁵ of why patients use the emergency department: people who were sick sometimes had to show it and the emergency department had to stand for that kind of thing, because that's what they are there for. A male patient's remarks echoed this conclusion. He felt that emergency department staff "had to take a lot of——. That's what they're there for."⁵

In a study of a neuropsychiatric hospital by Lanza,⁴ a large number of staff members indicated they had no reactions to an assault. Some indications existed that staff members felt they would be overwhelmed if they allowed themselves to admit their feelings. Because assault was an acknowledged risk

consulting physician was called. This action had previously been denied to the patient. The physician and another nurse spent the next three hours evaluating the patient and finally admitted her. Violence had helped her reach her stated goal of hospitalization, while staff members undercut the assaulted nurse. In another situation, a general medicine patient was treated with new respect and deference by clinic personnel after she assaulted a staff member with whom she'd had a disagreement.

A second source of anger is the lack of adequate protection. Security measures may have been absent or inadequate. Other staff members may not have responded appropriately during the assault, or their actions may have placed the victim in danger. Physicians may have minimized nurses' and aides' evaluations of danger and refused to order restraints. All these issues contribute to the victim's anger. Therefore, consideration of these issues needs to be included in any assessment and treatment of staff victims.

Reactions of fear and anger in staff members can interfere with the effective management of the aggressive patient. Patients who act out angry feelings can elicit both fear and anger in health care personnel. Staff members are clearly capable of responding in their own way to fear, anger, and anxiety.⁸ Staff members, for example, may insist on premature discharge or transfer. When staff members feel that direct expression of anger toward assailants is inappropriate, they may find indirect methods of expression. If methods of expression are not found, feelings of powerlessness and frustration will increase.

Depression is an alternative to outwardly directed anger. Staff members can depreciate their biophysiological symptoms of depression. Such clinical symptoms of depression after violent episodes are not uncommon and include the following:

- sadness
- poor appetite
- sleep disturbance
- lowered self-esteem
- decreased motivation
- fatigue
- crying spells
- irritability
- feelings of emptiness

The loss of one's safety is significant. Victims need to mourn the loss of their feelings of security and, by extension, their immortality and control.

Involving both fear and depression is the common occurrence of an obsession with the violence. In an attempt to restore control and order, the

victim needs to review details of the assault for clues or causes. The "if only" need to be gone over repeatedly by victims of violence before they are forgotten.⁹ The "if onlys" invariably point to self-blame. Victims try to assure their future safety by ascribing this blame. This attempt to use the past to control the future occurs because it is too burdensome to think an assault might happen anywhere or anytime, even at work. When this obsession occurs, it is valuable to allow the victim freedom to review details and the "if onlys." Significant others may find it too tedious or too painful to listen to these repetitive themes.

Biophysiological reactions accompany these reactions. They may include the following:

- headaches
- body tension
- appetite/sleep disturbances
- increased startle responses

All of these reactions can lead to a decline in the quality of health care delivery. The physician who is too anxious to get close to patients may perform inadequate physical examinations. Nurses may fail to monitor vital signs accurately. Aides may overlook basic care needs of troublesome patients or patients who evoke memories of a past assault.

TREATMENT OF VICTIMS

Approaching Victims

Staff members will be acutely aware and sensitive to the manner in which help is offered. They will be attuned not only to the content of communications, but also to pity, condescension, or subtle implications that the assault was provoked. Re-victimization can easily occur during this particularly impressionable time. Peer support on an informal basis is an idea. Unqualified empathic support is highly important.

Immediate Intervention

As with many crises, early, informal intervention can set a tone for a better resolution. Victims of violence need help with immediate problem solving and decision making. This might involve determining the extent of injuries and the need for treatment; preparing formal medical-legal reports; providing immediate transportation; ensuring that the victim is not alone at home for a short period after the incident (if the situation warrants); and ensuring that

addressed in treatment. Different psychotherapeutic techniques appear useful in crisis intervention with staff victims of violence. One of the difficulties has been organizing the treatment plan so that it covers the multiplicity of emotional, biophysical, and interpersonal symptoms. Sank¹¹ offers an interesting method for organizing the types of problems and types of treatment. He uses a multimodal profile¹² to isolate areas for change: behavior, affect, sensation, imagery, cognitions, interpersonal relations, and drugs. This method can be used to assess the victim's multiple symptoms and determine appropriate treatment.

For example, such cognitions as "I was assaulted, therefore, I am ineffective and powerless" could be confronted through cognitive/reality therapy. Human beings are constantly in search of meaning. The fantasized meaning of an assault may need to be explored, since this meaning may predicate, in part, the victim's response to the violence. Mental images may require a gestalt or reconditioning model. Each of the problem areas can lend itself to unique intervention techniques.

Whatever the modalities that are assessed and the techniques used, a basic groundwork in all treatment is a matter-of-fact acknowledgment of the violence. While others may have tried to ignore the incident or felt awkward broaching the subject, it is essential that the support source or the treatment professional remove some of the emotional charge from the subject of violence by directly asking about the physical and emotional impact.

Respecting Psychological Defenses

Helping persons should always remember that staff members who are victims of violence are not unlike victims of sexual assaults. They may not be seen as, or feel like, real victims with all the secondary gains that the victim role offers. Victims may be unable or unwilling to accept the identity of "victim," let alone seek help. In an attempt to flee their illegitimate status, many psychological defenses may be employed to minimize, erase, negate, or magically undo the event. "It wasn't that bad; I'm not really hurt; No big deal; I'm not going to cry over spilled milk; It could have been worse; I could be dead." The need to regain one's dignity and bring life back to normal is strong. These quickly mounted defenses are best dealt with gently by the helping individual. Interventions that weaken the defenses too quickly may cause more damage than good. In these crises, a major part of the victims' present and future armamentarium is the defenses and coping mechanisms they have developed over a lifetime. In contrast to traditional in-depth psychotherapy, extended attention to an act of violence and elicitation of affect may exacerbate the situation. The best barometer of whether to go further and explore deeper feelings when helping a victim is the effectiveness

of the current defense structure. If the defenses employed are effective allow the victim to productively cope, leave the structure alone. If, however, they are ineffective, counterproductive, and produce other problems, attempts at change are clearly indicated.

ADMINISTRATIVE ISSUES

Time off from the job seems to be helpful for most victims. Removing victim from the situation for a short time helps the healing of psychic as well as physical wounds. If sanction is not given, more prolonged absenteeism is the result. "Time out," an alternative or supplement to time off, allows individuals to work in different areas or with different groups of patients until they feel comfortable returning to their primary work areas. It may be particularly difficult for victims to return to inpatient units where the violent patient may still be present.

For those in fields in which caring and giving are the order of the day, a certain positive regard for patients and people is important. That positive regard is significantly threatened by violence. Some staff members will not feel comfortable in the same situations. To try to overcome intense fears may be futile and counterproductive. Treatment will not improve symptoms when wounds seem to be reopened in daily situations that engender fear. Objective guidance and exploration of career options may be best. Leaving a position is not necessarily an admission of weakness or defeat, but simply a matter of taking good care of oneself.

Staff-wide Interventions

Other staff members' interest and curiosity about the incident and their need to protect themselves are best addressed in an already existing forum such as a staff meeting. A psychological "autopsy" of the event may allow sharing of feelings and a discovery of options for increased assurance and safety. The leader can set a tone of empathy, comradery, and humor. Nonsensational, dignified, and humorous descriptions can help to reframe and relabel the experience so that it is more tolerable and more easily integrated for everyone. The victim, if willing, may be deferred to as an expert. Setting a tone for others' respectful responses can help increase the victim's self-respect after victimization.

In some cases, treatment may be wise for a large number of staff members, not themselves the direct victims of violence. Bursten et al.¹³ arranged group meetings to assist such staff members after a hostage taking at a children's hospital. Significant numbers of nurses and nurses' aides reported increased anxiety, dreaming, fear, and other stress symptoms. A similar group



Correctional officers involved in major disturbances who do not undergo debriefing sessions risk suffering psychological stress for years to come.

Early Intervention

Debriefing Staff After Disturbances Can Prevent Years of Pain

by Fred Van Fleet, Ph.D.

During the past 15 years I have conducted dozens of debriefing sessions following major disturbances such as hostage situations, homicides, suicides, shooting incidents and prison riots. I also have provided counseling and therapeutic services to hundreds of correctional and police officers suffering from the effects of post-traumatic stress disorders, or PTSDs.

Often, my involvement has followed shooting incidents in which officers were required to take human lives or hostage situations in which they were confined, threatened and assaulted. In many cases, the officers began displaying disturbing behaviors or symptoms months later that threatened their careers and family lives.

As I treated more officers, I discovered that post-traumatic reactions were part of the excess baggage carried around by nearly everyone who had ever been involved in a traumatizing event. Clearly, repression—the relocation of painful, emotional experiences from the realm of the conscious mind to the unconscious, where they may continue to plague us for years—is a part of everyday life for many of-

ficers who have faced traumas on the job.

Much of this repression is unnecessary. Officers who experience events intense enough to lead to emotional trauma should receive immediate therapeutic attention. This process begins with an effective debriefing of the staff involved in the event.

In corrections, many professionals—including psychologists, social workers, nursing personnel, employee-assistance counselors and members of the clergy—may be responsible during their careers for conducting debriefings. It is imperative for them to receive the proper training before doing so.

An important issue to consider before deciding whether you should lead a debriefing is confidentiality. Obviously, participants in a group debriefing should be made to feel comfortable sharing their thoughts about the incident. But staff should be aware that they may someday be called to testify in court about the debriefing they conducted. While

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EARLY INTERVENTION

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some correctional staff—clergy and social workers, for example—would not be forced to testify about privileged information, others might be compelled to. I raise this legal issue not to discourage correctional staff from conducting debriefings, but because it is something they should think over before they place themselves in potentially difficult situations.

Before the Debriefing

The leader of the debriefing must gather some vital information before planning the session. For example, what was the exact nature of the event? Were there fatalities? How many? Was someone responsible for the event? For the aftermath? How many people were involved as rescuers, victims, participants, observers, negotiators, colleagues and supervisors? Once the nature of the event is clearly understood, the practical planning of the debriefing may begin.

It is generally wise to have fewer than 30 people in the group. If more than 30 people were involved in the event, two or more sessions may be required. Groups may also have to be separated on the basis of management or union membership, gender or shift. It is not a good idea to include individuals whose presence may inhibit the full participation of others in the group.

The debriefing leader should be an impartial, skilled mediator who is good at defusing hostility without preventing its expression.

The person leading the debriefing should not be a close friend of any of the participants. During debriefing sessions, hostilities frequently arise, and rage is often the dominant emotion. The leader, therefore, should be an impartial, skilled mediator who is good at defusing hostility without actually preventing its expression.

In addition, the leader should not automatically be a senior member of your agency. Individuals not highly regarded by their peers and subordinates may do more harm than good, driving serious traumatic reactions further underground, thus delaying proper assessment and treatment for months or even years.

Selecting a site for the debriefing is not difficult. Virtually any relaxed, comfortable location will do as long as it is private and not subject to frequent disruptions or media scrutiny. Often a hotel suite, a board room or a lounge area can serve as such a setting.

Sometimes, however, it is necessary to be flexible. For example, following one disturbance during which virtually

EARLY INTERVENTION

Continued from page 104

an entire prison was burned down by rampaging inmates, the initial debriefing was held on the front lawn. Fortunately, it was a warm summer day and we were able to accommodate nearly 100 officers and their spouses. It was also necessary to schedule 19 private consultations during the next two days; these were held in a hotel suite.

There is no absolute answer to the question of when to hold the debriefing. I have, however, found several drawbacks to scheduling the session within 24 hours of the incident. The first is the lack of sufficient time for gathering information and for working out the logistics of the debriefing.

Second, for about 48 hours after an incident, victims are apt to be in a state of profound shock, suffering from exhaustion, numbness and confusion. During this time, they will most often benefit from medical attention and the comfort and security provided by loved ones. Rarely will their mental conditions be up to sharing thoughts and feelings about the event. Nor are they generally able to absorb vital information about the natural progression of post-traumatic reactions.

The best time, then, seems to be somewhere between the second and fourth days after the episode. Again, the key word is flexibility, as it's always better to be prepared than premature.

Conducting a Debriefing

The climate of the debriefing should be supportive and non-judgmental. The leader should generally use the first hour or two establishing his or her credentials and building rapport. The ground rules for the session should be clearly laid out during this time. These guarantee participants the opportunity to participate and share their feelings and thoughts about the incident.

Do not expect everyone to participate in the debriefing. Many men, in particular, have trouble expressing themselves emotionally in the presence of their colleagues. Ample time, therefore, must be allotted for individuals seeking one-on-one consultations. Further, many participants may have little to offer during the actual debriefing, but will make contact with the leader during the next several days. For them, the session merely serves as a catalyst, clearing the way for further help.

During one debriefing I held, an officer who was a Vietnam veteran took the floor for about 30 minutes, during which he described himself as a victim of PTSD and related, in lurid detail, many of his experiences of some 23 years earlier. For him the debriefing had opened up an ugly can of worms he had never previously resolved. He and his wife were given immediate attention and were referred for long-term counseling.

Any critical incident typically generates a great deal of anxiety, both about the incident itself and of a free-floating nature; victims may experience a general state of disquiet, sometimes combined with a sense of panic or alarm. Such states are added to whatever sources of stress individuals

were already under at the time of the event.


For some, the latest incident may represent the final straw. It is not unusual for any event of significant magnitude to result in resignations, time off, family discord, substance abuse, heart disease and even suicide. The leader should be aware of this and should not feel personally responsible in the wake of such an occurrence. It is impossible to know the basic emotional condition of all participants. The following anecdote may help illustrate this point:

One police tactical unit with whom I had a close relationship used my services on three separate occasions within a few weeks. The last two incidents ended with the officers having to take lives after long, fruitless periods of negotiation. Both events produced frustration, anger and a certain amount of guilt, a result of what I call the "If only..." syndrome.

Do not expect everyone to participate in the debriefing. Ample time must be allotted for individuals seeking one-on-one consultations.

Several months later the team leader took his life. The reasons for his action will never be known. Needless to say, his death had a tremendous impact, not only on the members of his squad, but on police officers everywhere who knew and respected him. Unfortunately, his department did not consider this tragedy worthy of a debriefing. I can only surmise the incalculable damage caused by this decision, as several officers came to see me on their own. Not only were they enraged by the insensitivity of their superiors, but many were now questioning their own sense of loyalty and commitment to such an organization.

I do not mean to imply that this unfortunate event could have been averted. It did serve to impress upon me, however, the enormous responsibility organizations have toward their members, particularly within the criminal justice field. It is a given that there will be more shootings, riots and hostage-takings, and yet fewer than 10 percent of all emergency service organizations are prepared for their eventuality. Now is the time to form policies and practices that will help employees deal with the consequences of such events.

It is incumbent upon all associations to demand such policies on behalf of their members. Post-traumatic stress disorders are preventable through early intervention and informed assessment and treatment programs. Debriefings play an important role in this process. They clearly represent a case of "pay now, or pay later." 

Fred Van Fleet, Ph.D. is a forensic psychologist and criminal justice consultant based in Lansing, Mich., who has worked as a trainer and therapist for correctional and police officers for more than 20 years. He is writing a book for correctional workers on health and survival techniques titled Within the Walls.

Boston Sunday Globe Magazine 7/30/89
BY DANIEL GOLDEN

UNDERMANNED AND VULNERABLE

Correctional officers say the sheer weight of numbers has shifted power to inmates

It was 10 p.m. on a routine Saturday when Gary Flaven got the first hint of an impending showdown. Flaven was making his rounds, examining cell bars for hacksaw cuts by would-be escapees, dousing the smoldering paper wads thrown into the walkways in protest of this or that, when the sergeant stationed on the first tier sought his advice. The inmates in the day room, the sergeant told shift supervisor Flaven, wanted to stay there past 10:30 — the time when they're supposed to return to their cells and the cellblock is locked for the night — to watch a prizefight between two lightweight contenders on the HBO cable network. The sergeant had vetoed the idea, but he wanted to run it by Flaven.

This was not the first inmate request Flaven had heard that night in the Middlesex County House of Correction in Billerica: It was closer to the hundredth. In the house of correction, inmates are double-bunked in cells so tiny that the average adult can stand in the middle and touch all four walls. They vent the frustrations of claustrophobia on their keepers: Can I switch cellmates? Why was my girlfriend's visit cut short? Why am I still waiting for a job?

Still, this demand was especially ticklish, because the inmates could cite a precedent. Flaven had let them stay up to watch heavyweight title fights before: Champion Mike Tyson was a folk hero among the inmates. So if Flaven pulled the plug on this fight, they might feel betrayed. On the other hand, Flaven could not let the inmates watch every fight after hours; he was willing to bend the rules but not obliterate them. He agreed with the sergeant.

Once upon a time, all of Billerica's inmates had been allowed to roam the institution at the same time. With the rapid rise in population, that practice had become a security risk, and the administration had established two shifts. Now, half of the inmates were locked in their cells, while the other half could go where they please.

At this hour of night, it was too dark to play softball on the outer field or handball in the playground, and the training center and barber shop were closed. The day room was the only place to be. There, two rookie officers, each with less than a year's experience, stood guard, their expressionless faces and hands-on-hips poses concealing their nervousness. Like all correctional officers inside penal institutions, they carried no weapons, because of the danger that inmates would seize the arms. About 200 inmates — many of them shirtless or wearing undershirts, revealing chests and arms tattooed in every color of the rainbow — played chess or cards, and waited.

Flaven was down in the office when the sergeant on the first tier called to say that it was 10:30 and he was about to ring the bell for lockdown. Usually, the sergeant didn't bother to let Flaven know before tolling the bell, but he sensed trouble, and he wanted his supervisor there.

Flaven was coming up the stairs as the bell rang. He and the sergeant entered the day room together. It was as packed



Billerica correctional officer Harry Devlin: "It takes a toll on you."

as the slots room of a Las Vegas casino — and the television set was blaring. He drew his hand across his neck, a gesture ordering the inmates to turn off the TV and return to their cells. He was ignored.

Flaven decided to switch off the television himself. But as he walked toward it, the room shook with noise. The inmates near Flaven pleaded with him to leave the set on; the ones sitting at more distant tables screamed obscenities. Every step toward the television brought Flaven farther from the safety of the doorway. Amid the din, he paused to think.

He knew what an uprising in the day room could be like. Last September, an inmate upset

over being denied permission to receive a photograph from a visitor ran out to the ballfield and came back with a bat. He smashed the windows of the officers' station and swung at Flaven, missing him by an inch. Flaven pursued him into the day room and tackled him. Soon the disturbance spread, and other inmates piled onto Flaven. About 30 inmates broke into the supply room, grabbing brooms and mops to wield as weapons. They ripped out phones and pipes, busted lights and televisions, and almost broke into the infirmary before being subdued. Only the nonintervention of the inmates playing on the ballfield, who obeyed an order to return to their cells in the midst of the fray, had prevented a full-scale riot.

"Eddie," Flaven said to the sergeant, "we don't have a choice." Then he turned his back and walked away.

That night, when World Boxing Association lightweight champion Julio Cesar Chavez scored a 10th-round technical knockout over Roger Mayweather, the television audience included 200 cheering inmates in the

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DANIEL GOLDEN IS A STAFF WRITER FOR THE GLOBE MAGAZINE.

Undermanned

CONTINUED FROM PAGE 22

Middlesex County House of Correction.

Later, Flaven said, "I've been punched in the face. I've had shanks pulled on me. That's not the worst. The worst is the stress. You're one guy watching 175 inmates in the day room, and it's your job to stay there.

"When you're dealing with this big a population, you have to go with the flow," said Flaven, a seven-year Billerica veteran and the son of a police officer. "If anybody thinks there's any hard-core correction going on in here, they're crazy."

Whenever legislators or journalists discuss overcrowding in the Massachusetts penal system, they tend to focus on subhuman conditions for inmates. But, in subtler ways, overcrowding equally demoralizes the correctional officers.

Some officers have surrendered physical space to the inmate overflow. At Norfolk State Prison, for example, off-

icers no longer have their own room for writing disciplinary reports. But, more significantly, many officers say they are losing control over inmates and are more vulnerable than ever to assault and injury. They agree with Flaven that the sheer weight of numbers has shifted power to their prisoners.

The numbers indeed are formidable. Fueled by increased drug arrests, mandatory incarceration of drug traffickers and three-time drunk drivers, and a rise in parole revocations, the number of inmates in Massachusetts penal institutions has skyrocketed by 5,000 in the past six years. Today, 13,500 inmates are squeezed into fewer than 9,000 cells.

The Commonwealth of Massachusetts, which runs the prison system, did take advantage of its budget surplus in the mid-1980s to hire hundreds of correctional officers. Still, former correction commissioner Michael Fair, who left office July 1, says staffing increases have not kept up with the state prison population. And the counties, which operate houses of correction for lesser offend-

ers and jails for pre-arrestees, have not been able to match the state's increase. In most counties, the number of officers has grown only slightly in this decade, if at all.

The result, predictably, is that officers are being worked, injured, and burnt out. Not only is the average age of supervising more inmates than ever before, but he or she is working longer hours. Overtime worked in state prisons has more than doubled in 11 years, from 3,000 hours a week in fiscal 1987 to 6,500 hours a week in fiscal 1989. Much of the overtime is mandatory, with officers assigned to work double shifts because staffing has been pushed to the limit.

"Certainly there's more overtime that's required," Flaven says. "Many line officers do want to work overtime. It's their second shift, they're tired. When they're fatigued they might respond differently to stress and tension. They have to be in control of their selves." George Vose, the new correction commissioner, says that the department expects to add 250 correctional officers in fiscal 1990, which should re-

works more over-
 the officers at
 Street jail. Sheriff Rob-
 budgeted \$575,000
 in fiscal 1989 —
 ended up spending
 600. The reason is that
 drug arrests have
 the jail with pretrial de-
 yet the facility is under
 order requiring no more
 one inmate per cell. So it
 its surplus inmates around
 to any jails that will
 them. After their regular
 by, many Charles Street offi-
 either volunteer or are
 into service to drive in-
 mated to New Bedford,
 month, or Pittsfield.

After three-day holiday
 weekends, jails are jammed. On
 the Tuesday evening after this
 past Memorial Day, for in-
 stance, Charles Street is
 flooded with detainees. It sends
 26 in two vans to Concord
 State Prison, where they will
 sleep on mattresses in a hallway
 along with dozens of state pris-
 oners. (The law permits pretrial
 detainees to be held in state
 prisons if they have already
 served time in the state sys-
 tem.) Twelve more go to
 Plymouth County House of Cor-
 rection to be double-bunked in
 cells smaller than Charles
 Street's.

Officer Cliff Carney, who
 has already worked the 8-to-4
 shift at the front gate and then
 spent two hours selecting in-
 mates to be shipped, drives the
 van to Plymouth. In the back,
 an inmate shouts, "Hello,
 sweetheart" to a driver in the
 next lane.

"You're always on the run,"
 says Carney, who averages 20
 hours of overtime a week. "To-
 day it was crazy. You want to
 blow up. So many times I've
 told my girl I'll be home at 5.
 Then it doesn't work out that
 way. You get home at midnight,
 you lay down to sleep, you get
 up and go to work again. And
 you can't complain to anyone."

With overcrowding, in-
 mates' grievances
 multiply, and their
 tempers shorten. The most

convenient target is the nearest
 authority figure, the correctional
 officer. So it's hardly surpris-
 ing that inmate assaults on offi-
 cers are becoming more fre-
 quent. Fights among inmates,
 which officers must break up at
 their peril, are also on the rise.

In early June, when
 Bridgewater State Hospital for
 the criminally insane was at
 116 percent of capacity, 15
 percent of its line officers were
 out injured. So were seven offi-
 cers at Concord State Prison,
 including one who was distrib-
 uting clothing when he had the
 misfortune to run out of sneak-
 ers. A disappointed inmate
 waiting in line filled a sock with
 rocks and hit him over the head
 with it.

"Here at Concord, officers
 don't go out on frivolous injur-
 ies," says officer Kenneth
 Ryan. "When you have seven
 officers out in a month, you
 know something's wrong."

At Concord, which has
 three times as many inmates as
 cells, many inmates sleep in
 hallways, dormitories, and tele-
 phone rooms. Someone has to
 patrol those areas, which are
 far less secure than cellblocks.
 For example, at the far end of
 the prison grounds, a tailor
 shop has been converted into
 sleeping quarters for 40 in-
 mates. One officer watches the
 inmates as they lie in their
 bunks or watch television. De-
 spite three fans whirring, the
 officer and inmates are dripping
 sweat. The tailor shop sits over
 the prison's laundry room, and
 the rising steam has pushed the
 dorm's temperature past 80 de-
 grees. In that heat, it wouldn't
 take much to touch off a riot.

"It's the farthest post away
 from the institution," says the
 officer, Edward Pitre, who
 chose the assignment because it
 was the only one available on
 the day shift. "By the time you
 press the body alarm and help
 comes, it might be too late."

Every 45 minutes, Pitre
 walks down the center aisle be-
 tween the bunks, checking "to
 see if everyone's still alive."
 Asked if he's scared, he says, "I
 can't say no. I just don't show
 it."

Not long ago, a police offi-
 cer and a correctional offi-
 cer, both in uniform,
 entered a Howard Johnson's
 restaurant in southeastern
 Massachusetts. The policeman
 ordered coffee and a doughnut,
 and pulled out his wallet. "No
 charge, officer," the cashier
 said. The correctional officer
 also ordered coffee and a
 doughnut. The cashier looked
 at her supervisor, who said,
 "He pays. He's just a guard."

Another correctional officer
 who observed the incident is
 still rankled by it. "We're treat-
 ed the way Vietnam vets were
 when they came home," he
 says.

Traditionally, correctional
 officers have formed the lowest
 caste in the law enforcement
 hierarchy. They're often called
 "guards" or "screws," two
 names that many of them dis-
 like. Like Vietnam veterans,
 correctional officers have
 fought their battles in places
 that few Americans understand.
 They feel scapegoated by the
 media, estranged from other
 law enforcement agencies, ex-
 ploited by management, and
 taken for granted by their
 union.

In the old days, they were
 often retired military men who
 needed a part-time paycheck.
 Despite a recent push to hike
 salaries and professionalize the
 job, most officers have only
 high school degrees, and many
 are police department rejects.
 The best officers are often
 hired away by police depart-
 ments offering better pay. A
 state correctional officer starts
 at \$23,000 a year — \$3,000
 less than a Boston police offi-
 cer.

Many correctional officers
 resent the publicity and favor-
 able treatment accorded to po-
 lice. In a book about his strug-
 gle with management to im-
 prove prison working condi-
 tions, Michael McLaughlin, the
 former president of the offi-
 cers' local at what was then
 called Walpole State prison, de-
 scribes how correctional offi-
 cers once rescued a group of
 their brethren held hostage at
 Framingham State Prison —

only to see credit given to the
 state police, who were on the
 scene but did not participate in
 the rescue.

Veteran officers often de-
 scribe themselves as "lifers,"
 implying that they, like the in-
 mates, are outcasts of society.
 They say that you have to be a
 little crazy to work in a prison.

"I'm a lifer here," says
 Charles Walker, 31, an officer
 at Charles Street Jail. "I like
 danger. I like excitement. I'm a
 nosy person, and this is a nosy
 guy's job. A lot of things you
 see on the news, you're right
 up front with them. It's a big
 soap opera."

Bitten and spat upon by in-
 mates, showered with
 urine and feces when
 they make their rounds, correc-
 tional officers still must be vigi-
 lant and imperturbable.
 McLaughlin, the former Wal-
 pole union head, describes the
 tension of walking the tiers: "I
 moved about with a caution
 bordering on paranoia. I'd al-
 ways walk near walls, my back
 angled toward them to afford it
 partial protection, my head up,
 constantly alert for any unusual
 sight or sound. While crossing
 the yard or moving through the
 main corridor I avoided looking
 down even long enough to
 crush a lighted cigarette butt."

Correctional officers must
 become hardened — perhaps
 even callous — to project au-
 thority and keep the respect of
 inmates. Such tension takes its
 toll. Correctional officers have a
 life expectancy of only 57
 years, and their divorce rate is
 2 1/2 times the national average.
 They are prone to alcoholism
 and suicide. In a recent survey
 of officers in three states, one
 out of three knew of co-work-
 ers who had killed themselves,
 and three out of four knew of

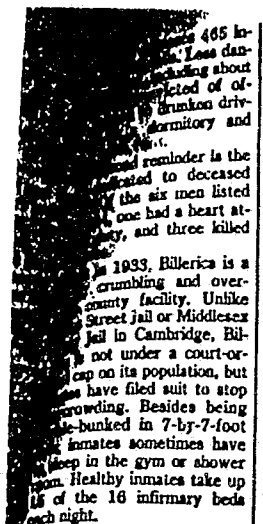
co-workers who had been
 heart attacks on duty, on a
 scale of 1 ("not at all") to 5
 ("very much"), the officer
 gave overcrowding a 4 rating as
 a source of job stress.

Indirectly, overcrowding
 gravates another cause of
 stress for officers today: fear
 of contracting AIDS. By increas-
 ing prison violence, overcrowd-
 ing makes it more likely that an
 officer may come in contact
 with the blood of an inmate. Be-
 cause most inmates refuse
 AIDS testing — and officers
 are not informed of test results
 anyway, for reasons of con-
 fidentiality — officers who try to
 stop a fight never know whether
 they could be exposed to the
 virus.

One of every four inmates
 tested at Framingham State
 Prison, which houses Massachu-
 setts' female prisoners,
 carries the AIDS virus. (One of
 every seven men tested so far
 in the state system has the
 virus.) Last year, a Framingham
 inmate attempted suicide by
 slashing her wrists with a razor.
 A female officer saved the in-
 mate's life but was cut herself
 in the process and splashed
 with the other woman's blood.
 Subsequently, the officer
 learned that the prisoner had
 tested positive for AIDS. So
 far, the officer's tests have
 been negative.

The red-brick main build-
 ing of the Middlesex
 County House of Cor-
 rection stands on a hilltop over-
 looking Route 3, its spire point-
 ing toward the sky like an ice
 pick. As they enter for roll call,
 correctional officers pass by
 two reminders of the stressful
 conditions in which they work.

The first is the board listing
 the daily count — 776 inmates
 on this May afternoon. The



465 in-
 mates. Less dan-
 gerous about
 of of-
 drunk driv-
 dormitory and
 1993, Billerica is a
 crumbling and over-
 county facility. Unlike
 Street jail or Middlesex
 jail in Cambridge, Bil-
 licer is not under a court-or-
 der on its population, but
 has filed suit to stop
 overcrowding. Besides being
 double-bunked in 7-by-7-foot
 cells, inmates sometimes have
 to sleep in the gym or shower
 room. Healthy inmates take up
 16 of the 16 infirmary beds
 each night.

As in other institutions,
 overcrowding translates into
 violence. "There hasn't been a
 day in the past two years when
 we haven't had a fight or an as-
 sault, either inmate on inmate
 or inmate on staff," says Harry
 Devlin, president of the offi-
 cers' union local. "Sometimes
 we have five fights in a day.
 You have to jump in and break
 them up. That takes a toll on
 you."

Because the main building is
 undermanned, the officers are
 vulnerable. No more than 13 of-
 ficers patrol the three tiers at
 one time. Because Billerica's
 rising population translates into
 a greater need for medical care,
 officers may have to be pulled
 away from the tiers to drive in-
 mates to a local hospital,
 where they must stand guard
 until the inmates are released.
 The officers aren't always re-

placed in the tiers. Sometimes
 only eight or nine officers are
 left by the end of a shift to pa-
 trol more than 400 inmates.

To disperse inmates and
 prevent riots, Billerica's admin-
 istration is maintaining more
 activities. It's keeping the train-
 ing center and barber shop
 open longer than it used to, and
 equipping the ballfield with
 lights. But each new activity re-
 quires another officer, further
 straining the available manpow-
 er.

Each of the three tiers has
 the same basic layout. On either
 side of an open area, where the
 officers' station is located, ex-
 tends a double row of cells sepa-
 rated by a narrow walkway.
 Littered with bread and trash,
 the walkways are so poorly lit
 that an officer who goes to in-
 spect a cell disappears from the
 view of his partner in the offi-
 cers' station.

The stations themselves are
 not secure, except for the one
 on the third tier. (The third tier
 used to house pretrial detain-
 ees, considered a more violent
 population than offenders sen-
 tenced to a house of correction.
 The detainees have all been
 moved to the jail in Cambridge.)
 The station on the first tier is
 enclosed, but an officer must
 leave it to operate the cell
 doors and walkway gates. The
 second-tier station is just a desk
 with a phone. Billerica Superin-
 tendent William Quealy says he
 has requested funding from

years in a three-quarter enclosure on the second tier, to prevent officers from being attacked from the back or sides, but has not received the money.

Last year, Billerica had three inmate uprisings, and all of them took place on the 4-to-midnight shift. Yet, because of high turnover and the seniority system, almost half of the officers who work the toughest shift are rookies with less than a year's experience. Many rookies receive no training at all before they enter the bon's den; they're handed a set of keys and directed to the tiers. Although the county has had a training program for a year now, the facility is so short-handed that it can't spare even its least seasoned officers from the main building.

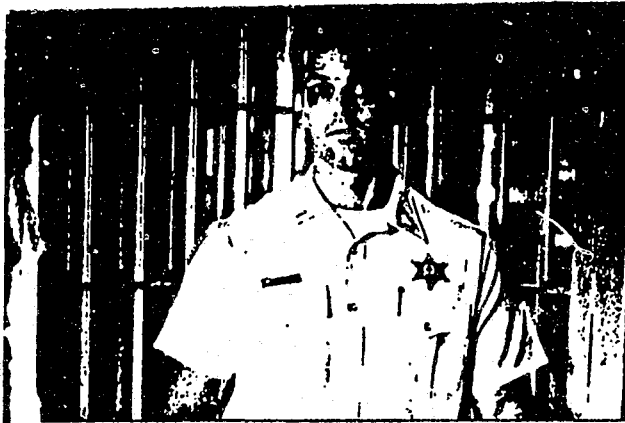
According to Michael Callery, director of training for Middlesex County, many rookies don't attend training sessions until they've already spent six months on the job — and, in some cases, made mistakes that endanger lives and expose the county to liability. For example, rookies have bought handcuffs at a nearby

work, unaware that they require the use of government-issued handcuffs by correctional personnel. "If an inmate is hurt in the course of being cuffed illegally, he'll own the officers and the department, Callery says.

Billerica's worst melee last year took place on the ballfield. Emboldened by news reports of a riot at the Essex County House of Correction in Lawrence, more than 100 inmates chased the three officers on duty, swinging at them with bats and sections of pipe. Seven inmates even climbed to the roof of the main building and bombarded the officers with stones. The officers only escaped by scaling an 8-foot fence.

Afterward, the county put barbed wire on the rooftop and cut the number of bats allowed on the field from 10 to two. But when officers asked Superintendent Quealy to lock the inmates in their cells around the clock for 60 days, he refused. Instead, he ordered only a 48-hour lockdown.

To many officers in Billerica,



Marco correctional officer Gary Flaven: "The worst thing is the stress. You're one day watching 175 inmates in the day room, and it's your job to stay there."

...that decision typified the lack of support they receive from above. In their view, the administration is so worried that overcrowding will spark a riot that it appeases inmates — even if they have assaulted officers. Such policies, they say, are undermining their authority and surrendering the institution to trouble-makers.

Callery, the training director, was a longtime tier officer. Asked about morale, he says, "It's not good. The feeling we get is that the support isn't there. To have inmates locked up for only 48 hours after a disturbance shows the punks that they're running the can, so they escalate their shenanigans. That's not fair to the officer who's trying to do his job, and the older cop who's trying to do his time and get out.

"I've been through a lot of riots. This may sound strange, but sometimes you need a riot. You need the top to blow off, so you can get back to ground zero and start all over."

Quealy says that he preferred to come down hard on the half-dozen ringleaders of the ballfield disturbance rather than punish hundreds of passive bystanders. The ringleaders were placed in solitary confinement for extended periods in the area known as the Hole, he says, and prosecutions are pending against several of them for inciting a riot.

"I'd like to satisfy the rank-and-file correctional officer and lock everybody up for 60 years, but I've got to balance that off against the interests of the institution," says Quealy, who has been superintendent since 1980. "In the early 1980s, when we went through 15-day and 20-day lockups, the officers came to me and asked me to let the inmates out. They had to feed the inmates in their cells, and it caused too many problems. Plus, we were in 90-degree heat last summer. Those inmates would have

come out of their cells after 60 days very angry people."

In 1980, Quealy reduced the number of segregation cells for misbehaving inmates from 24 to 10. Officers now complain that, once the Hole is full, their only recourse is to lock an inmate in his cell. Not only is that a lesser punishment, but double-bunking makes it hard to enforce and potentially hazardous, because the inmate can sneak out or resume assaulting the officer whenever the door is opened for his cellmate.

Billerica often transfers its worst inmates to other houses of correction. Unfortunately, the other facilities use the same tactic. One inmate who helped instigate the ballfield fracas in Billerica was shipped to Lawrence. This spring, the inmate stirred up a riot in Lawrence — and was promptly returned to Billerica, where he remains in segregation.

Officers often don't know which inmates were transferred from other counties, or why. One afternoon this past February, as inmates on the second tier were leaving for recreation, Devlin noticed two of them staggering down the walkway. He knew that inmates often steal bread, sugar, and raisins from the kitchen and brew liquor in their cells; in fact, an investigation would later turn up the mayonnaise jar in which the two inmates stored their brew.

Devlin approached the drunken inmates and told them he would report them. They jumped on him. He yelled for his partner, who had to run downstairs for help, because the other inmates were blocking his path to the desk and telephone that served as the officers' station.

Devlin, who was out for six weeks with neck, back, and facial injuries, later learned the inmates who attacked him had been shipped to Billerica because they had assaulted an officer in the

Worcester County house of Correction.

"I was pretty upset when I heard about that," he says. "If I had known, I might have handled the situation differently."

Several years ago, then-commissioner Fair did a study of Massachusetts correctional officers who had quit at the minimum retirement age of 55, after an average of 32 years on the job. The results shocked him: The typical officer had died at the age of 56.2, barely more than a year after retirement.

The study had two important consequences. One was a state law that allows officers with 20 years' experience to retire at half-pay. The other was an innovative stress program.

Jointly sponsored by the Department of Correction and the officers' union, the stress program began four years ago in Concord State Prison and became so popular that it is now operating in three other sites around the state. So far, 740 people have contacted the program. Sixty percent are correctional officers, while the rest include family members and

other law enforcement personnel.

Each site has a peer counselor who conducts twice-weekly meetings. One meeting is designed for officers with addictions to alcohol, drugs, or other substances; the other is for officers who want to talk about any type of stress. The counselors are available around the clock for emergencies.

The four peer counselors in the program understand the burdens of correctional work, because they are correctional officers themselves, with at least 10 years' experience apiece. Generally, they say, officers don't contact the stress program until disaster strikes — their spouse kicks them out, or their boss gives them an ultimatum.

"After a couple of years on the job, the officer's family sees him changing, becoming harder and more negative," explains counselor Peter Cove. "The officer won't say anything to his spouse, because he wants to protect her. She says, 'Honey, how's it going?' He says, 'Fine.' But the spouse knows something's wrong, and she figures

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Undermanned

CONTINUED FROM PAGE 42

It must be at home. She overcompensates, gets exhausted, and feels unappreciated. Now the officer is a Ping-Pong ball. When he goes to work, he thinks about his problems at home. When he's home, he thinks about work."

When an inmate at a Massachusetts prison hanged himself several months ago, half a dozen officers who had known him were left feeling dispirited and helpless. These were natural reactions, but the officers were so used to stifling their emotions on the job that they couldn't deal with their grief.

The superintendent summoned two peer counselors from the stress program, who interviewed each of the officers separately. Some were referred for professional help, while others were just plain comforted.

One female officer, sobbing, said, "I don't know why I'm crying. It's just an inmate." The counselors assured her that the dead man had been more than just another inmate to her. He

had been a trusty, who did odd jobs for her. She had known him well. It was all right to cry.

"That's what happens over a number of years," says counselor George Pierce. "They go in as normal human beings, but they don't come out as normal human beings. What I tell them is, 'You wear the uniform. Don't let the uniform wear you.'"

The officers at Deer Island House of Correction couldn't take it any more. They were fed up with unnecessary injuries caused by overcrowding. They had had enough broken lights, barless windows, roaches, and vermin. One day in 1984, four officials in their union local visited the Boston office of their affiliated union and asked its president to file suit to improve Deer Island. But they didn't get the answer they expected. Joseph Bonavita — head of Council 93 of the American Federation of State, County and Municipal Employees — turned them down.

The Deer Island officers weren't finished. At their own expense, they hired an attorney and sued the City of Boston

themselves; the case is pending. But the experience did leave them with a lasting disappointment and distrust of Bonavita's union, which at the time represented not only the officers at Deer Island but their counterparts in several other houses of correction and the entire state prison system.

One of the officers, James Kane, resigned last May as head of the Deer Island local, citing lack of cooperation from Council 93. "I had to fight Council 93 to file grievances," he says. "I'd get flak like, 'Why do you want to cause heat?' I thought the purpose of a union was to protect the safety of the work force. They've just sold out."

While the state Department of Correction and AFSCME have helped officers deal with stress, they have done little to ease its main source — overcrowding. As the number of state and county inmates increased by 3,700 from January 1985 to January 1989, the system's capacity grew by only 1,400 beds. State officials blame neighborhood opposition and time-consuming permit processes for the slow pace of pris-

on construction. Commissioner Vose predicts that the state system will still have a 2,000-bed shortage in 1992.

Officers as well as inmates suffer from overcrowding and conditions of Biltmore's Devlin. "I'm 100 percent for a cap on the population. Either build some more facilities or let some people out." In most cases, however, it is inmates who have sought better conditions. All of the court-ordered caps on jails and houses of correction are the result of inmate litigation. To be fair, warrants by officers to stop overcrowding have few precedents nationwide. And, after the visit from the

Deer Island officers, AFSCME did change its attitude. In 1987, it filed suit against the Essex County House of Correction in Lawrence; the case was dismissed on the grounds that the union itself was not affected by overcrowding and did not have standing to sue. This spring, 10 officers brought the first-ever suit to stop overcrowding in the state prison system. The plaintiffs were officials in AFSCME local, and the suit was prepared by the union's legal staff.

For many officers, these cases were too little, too late. In May, the 3,000 officers in the state prison system voted to dump AFSCME for a new, unaffiliated union. But the out-

come, which has been appealed by AFSCME, bypassed publicly to O'Neil, acting president of the Massachusetts Correction Officers Federated Union, recently described the AFSCME suit against the state prison system as election-ere grandstanding, and expressed confidence that the state will soon have built enough prison space for all its inmates.

Officer Richard Gould, a counselor in the stress program, was not surprised by the vote. He says, "Sometimes we bite off our nose to spite our face, just looking for someone to blame, looking for someone to say we count."

Appendix E
South Carolina Department of Corrections
Policies and Procedures Related to
Post Assault Information Resource (PAIR) Assistance



South Carolina Department of Corrections

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PARKER EVATT, Commissioner

RECEIVED
DEC -5 PM 12:00
S.C.D.C. TELETYPE

NUMBER:	200.15-1	(2/15/1	DATE:	June 11, 1990
RESPONSIBLE AUTHORITY:	Division of Personnel Administration		PAGE	1 OF 5

RELATED ACA/SACI STANDARDS: 2-4064, 2-4067, 2-4078-1

TITLE: Post Assault Information Resource (PAIR) Assistance

PURPOSE: To establish procedures for providing assistance to Departmental employees who may be experiencing difficulties as a result of duty-related trauma.

POLICY: The South Carolina Department of Corrections is concerned about the safety, health and well-being of its employees. Recognizing that specific accident/violent work related events can result in serious physical and/or emotional trauma, the Agency will provide assistance to employees through the use of qualified employee counselors who will act as resource personnel to provide peer support, information, and referral, if necessary, following the occurrence of an assault or other serious event. This service is available to all departmental employees in order to reduce the consequences of duty-related trauma and increase the probability of successful recovery through prompt crisis intervention, information, referral, and follow-up.

DEFINITIONS:

PAIR - Post Assault Information Resource. An SCDC employee trained to provide peer support and information to other employees who have experienced duty-related trauma.

TRAUMA - An event which is outside the range of usual human experiences or event for which one usually cannot prepare and which will most likely have a profound effect upon the life of the individual(s) involved.

DUTY-RELATED TRAUMA/CRITICAL INCIDENT STRESS - Certain emotional consequences following a serious event arising out of and in the course of employment. An event is re-experienced through flashbacks/intrusive recollections, recurrent distressing dreams and/or psychological distress prompted by events similar to the original trauma. Avoidance, detachment, numbing or memory loss are common. Difficulty falling or staying asleep, irritability, outburst of anger, difficulty concentrating, hypervigilance, etc., due to increased arousal are frequently symptomatic.

PROCEDURAL GUIDELINES:

1. Each facility head will select an individual(s) who will serve as a Post Assault Information Resource (PAIR) representative for his/her facility. A Headquarters pair representative will be selected by the Director, Division of Personnel Administration. A list of all employees serving as PAIR Representatives will be maintained by the Workers' Compensation Coordinator at the Division of Personnel Administration. Care should be exercised in selecting PAIRs. PAIR personnel should be capable of offering peer support through humane response for those employees who may be experiencing difficulties arising out of and/or in the course of employment as the result of an assault or other serious duty related event.

2. PAIRs will be required to participate in an appropriate training course; such course to be offered at least quarterly for new representatives through the SCDC Training Academy sponsored/coordinated by the Division of Personnel Administration. This course will familiarize the PAIR with his/her role; assist in understanding trauma and Critical Incident Stress, Workers' Compensation and other benefits, and will allow the PAIR representative to participate in skills training/role play, relative to basic crisis intervention techniques. Additional advanced training will also be made available for PAIR Representatives after completion of initially required training.

3. a. The facility head will be responsible for ensuring that the PAIR receives prompt notification of an assault by providing a copy of the appropriate MIN Management Information Notes to PAIR.

b. The Workers' Compensation Coordinator will monitor MIN's which detail employee assault/trauma and will routinely contact facility PAIRs to ensure receipt of MIN's pertinent to his/her facility. A record of this contact will be maintained detailing the name of PAIR contacted, date and time of contact. If PAIR is not yet aware of the event, this contact will prompt PAIR to initiate contact with the employee.

c. The Employer's First Report of Injury (SCDC 16-61), commonly referred to as Form 12-A, is available at every work location and must be completed as soon as possible after an event which results in physical and/or emotional trauma. Proper submission of the Form 12-A is crucial as it is the only report which can substantiate the incident should it subsequently lead to payment of any Workers' Compensation benefits. The supervisor of the employee referenced in Form 12-A is accountable for the immediate submission of the report to the designated facility/division Workers' Compensation contact person. The contact person is responsible for forwarding Form 12-A to the Workers' Compensation Coordinator of the Division of Personnel Administration in accord with SCDC Policy 200.2-6-1, Workers' Compensation.

The designated facility/division contact person for Workers' Compensation must provide the facility head with all 12-A's relating to both physical and emotional trauma.

Ideally, MIN's and 12-A's should supplement one another; however, not all 12-A's are the subject of MIN's and vice-versa. In some cases of emotional trauma, the event may be captured by neither an MIN nor a 12-A. In such cases, the employee's work supervisor should request a courtesy intervention session with PAIR so that an assessment can be made. Questions should be directed to the Workers' Compensation Coordinator of the Division of Personnel Administration for clarification of the need for a First Report of Injury (12-A).

4. Contact with the employee(s) referenced in the MIN or 12-A, should occur as soon after an assault or other serious duty related event as is practically possible. Early intervention by the PAIR is essential to ensure the integrity and credibility of the PAIR program and the Department's interest and concern for its employees. Delayed contact reduces the effectiveness of the intervention and can dilute the Agency's efforts to keep employees on the job in satisfactory work situations.

5. Brief notes of attempts to contact and of successful contacts with affected employee, should be maintained by PAIR. A PAIR contact form, SCDC # 16-111, should be completed and forwarded to the facility head and to the Workers' Compensation Coordinator. The facility copy will be maintained in a secured file in the facility head's office, again, to ensure confidentiality.

6. Contact by PAIR with the affected employee should be in person, whenever possible; however, contact by phone can also be effective, particularly if the employee has left the work place. The PAIR representative should select an appropriate time and place for initial intervention and should display a helpful, supportive attitude, offering encouragement and understanding.

7. During the course of initial contact, the PAIR representative should assume the role of the resource person for the affected employee. The PAIR representative should maintain a non-judgemental attitude and strive to generate trust and reassurance. The PAIR representative should utilize the training received to recognize and understand the nature of the duty-related trauma.

8. The CONFIDENTIALITY of PAIR support and intervention should be prominently emphasized to the affected employee to assure the individual that his/her personal remarks, observations and experiences will not be known to the general public. The only exception to the complete confidentiality of the intervention will be when an affected employee consents to a release of information, expresses a clear intent to harm himself or others, if endangerment to the safety and security of the work location is apparent from the statements or actions of the employee, or if the PAIR is required to testify in a public or private hearing. When such confidential

information must be discussed further, it will be limited to the facility head and/or the Director, Division of Personnel Administration.

9. As intervention and contact with the assaulted employee proceeds, the PAIR representative will establish a rapport in order to assess whether the employee needs professional counseling. When professional services are deemed necessary, or requested, PAIR will inform the facility head who will be responsible for contacting the Workers' Compensation Coordinator of the Division of Personnel Administration for coordination with State Workers' Compensation Fund and the appropriate counseling resource. The PAIR representative or the facility head should not engage any counseling resource directly, but facilitate the employee's direction to appropriate resources.

10. The PAIR representative will ensure during the intervention that the affected employee has completed Form 12-A and is advised of the policy concerning general information about Workers' Compensation followed by referral to Workers' Compensation Coordinator for more definitive details. The rights an employee are entitled to under the Victim/Witness Bill of Rights; and, any follow-up information desired by the employee relative to action taken against the inmate by an Adjustment Committee or as the result of court prosecution will be available through the PAIR representatives. Whenever practical, the affected employee is to be encouraged to provide input as to his/her feelings regarding action to be taken against the subject inmate, assailant, etc. Whenever the affected employee's preference for disciplinary action or court action cannot be accommodated, the PAIR representative will provide the employee with an explanation of the factors influencing the final decision.

A Request for Notification Form, (SCDC Form #6-2) will be available from PAIR so that the affected employee can be notified whenever the subject inmate is eligible to be placed in a position of unsupervised activity outside the confines of SCDC property, (to include work release, educational release, furlough, SFII/EPA, operation of a motor vehicle outside of state property, funeral or death bed visit); in the event the subject inmate escapes and any subsequent recapture; and, upon subject inmate's final release from custody. The Department of Probation, Parole and Pardon Services, (a State Agency separate from SCDC) is responsible for notification to victims when the subject inmate is scheduled to appear before the Parole Board.

11. Within six months of the initial contact, the PAIR representative should provide informal and periodic follow-up contact with the affected employee to ensure the employee is aware that the PAIR representative remains ready to continue the relationship in a supportive capacity if necessary.

12. Specific procedures detailing the methods of compliance with this policy will be developed by each facility. Particular

attention should be devoted to the method of training employees. As a part of facility orientations, the Pair Program will include the Agency's position on duty-related trauma and the availability of services. To accomplish this goal, it is suggested that the facility training representative attend PAIR training sessions.

S/ 
Parker Evatt



S.C. Department of Probation, Parole, and Pardon Services Office for Victim Services



What is PAR?

The Post Assault Resource (PAR) program provides assistance to assaulted SCDPPPS employees through an Office for Victim Services (OVS) representative trained to give support, information and referral following an offender-based, duty-related hazardous incident/assault that causes symptoms of victimization.

What specific services does PAR provide?

- **Crisis Intervention**

The PAR OVS representative makes immediate contact with the assaulted co-worker upon notice of the critical incident. This contact is ideally face-to-face when possible and is one of support and information.

- **Referral**

As the PAR OVS representative's intervention and contact with the assaulted employee proceeds, it may be necessary that the employee receive professional counseling. If so, the Workers' Compensation Coordinator in the Central Office and OVS will be responsible for coordination with the appropriate counseling resource. The counseling available is specific to address the symptoms of victimization.

- **Information**

The PAR OVS representative serves as a resource person for the assaulted employee. All contacts are treated with confidentiality according to SCDPPPS Directive Communications 5. The PAR OVS representative is also responsible for providing follow-up information desired by the assaulted employee relative to the offender.

- **Follow-Up**

Within six months of the initial contact, the PAR OVS representative should provide informal and periodic follow-up contact with the assaulted employee. The employee should be made aware that the PAR OVS representative remains ready to continue the relationship in a supportive capacity, if needed.

How do I report a hazardous incident?

An employee who suffers a duty-related, offender-based hazardous incident/assault should immediately notify the Central Office Personnel Section and his/her supervisor. The Personnel Section will immediately notify the OVS, who will provide the employee with PAR information and assistance.

Why have a PAR program?

Research has shown that good crisis intervention has a long-term effect on the assaulted victim's ability to recover. The employee's ability to recover has direct impact on the ability to stay on the job and to continue to derive satisfaction from the job and from life, in general. Resolving the effects of critical incident stress before they can cause serious emotional problems is beneficial to the employee and to the Department.

For more information contact:

Brett Macgargle, Director of Victim Services or Marian Lindsey, Victim Services Liaison

Phone: 734-9367

Office for Victim Services, 2221 Devine St., P.O. Box 50666, Columbia, SC 29250



Post • Assault • Resource
Contact Form

Employee: _____

Position: _____

Work Location: _____

Date of Incident: _____ Time of Incident: _____

Brief Description of Incident: _____

Date of Contact: _____ Time of Contact: _____

Signature of PAR Contact: _____

Brief Notes/Observations: _____

POST ASSAULT RESOURCE OPERATING PROCEDURES

The Department is concerned about the safety, health and well-being of its employees. Recognizing that work related events can result in serious physical and/or emotional trauma, the Agency will provide assistance to employees through the use of qualified employee counselors who will act as resource personnel to provide peer support, information, and referral, if necessary, following the occurrence of an assault or other serious emotional event causing symptoms of victimization. This service is available to all departmental employees in order to reduce the consequences of duty-related offender based incident and increase the probability of successful recovery through prompt crisis intervention, information, referral, and follow-up.

DEFINITIONS

PAR:

Post Assault Resource. An Office for Victim Services (OVS) employee trained to provide peer support and information to other employees who have experienced duty-related offender based incident.

HAZARDOUS INCIDENT:

An incident in which staff have been victimized through being assaulted in connection with a duty-related offender based incident. Examples of hazardous incidents include: extortion; psychological intimidation; physical assaults; and harm or the threat of harm to workers, their families, their property or their reputation.

DUTY RELATED TRAUMA/CRITICAL INCIDENT STRESS:

An event which is outside the range of usual human experiences or event for which one usually cannot prepare and which will most likely have a profound effect upon the life of the individual(s) involved. Certain emotional consequences following a serious event may arise during the course of employment. An event can be reexperienced through flashbacks/intrusive recollections, recurrent distressing dreams and/or psychological distress prompted by events similar to the original trauma. Avoidance, detachment, numbing or memory loss are common. Difficulty falling or staying asleep, irritability, outburst of anger, difficulty concentrating, hypervigilance, etc., due to increased arousal are frequently symptomatic.

PROCEDURES:

These procedures provide for the immediate and prompt response from the PAR to the victimized staff person to ensure intervention, information, referral and follow-up is accomplished regarding an assault or other serious emotional duty-related offender based incident.

1. REPORTING A HAZARDOUS INCIDENT

- A. An employee who experiences a hazardous incident (HI) should immediately notify their supervisor and the Agent In Charge.
- B. The employee and/or AIC shall immediately notify the DPPPS Workman's Compensation Coordinator of the Division of Personnel Administration, (Central Office) to report the HI.
- C. The Central Office Workman's Compensation Coordinator will immediately notify OVS staff to discuss the HI. OVS staff will determine if a PAR response should be made to the affected employee.

2. PAR RESPONSE

- A. OVS staff will immediately contact the victimized employee to discuss the details of the HI and to provide early intervention, peer support, information, referral and follow up.
- B. Contact by OVS staff with the affected employee initially will be made by phone. Subsequently, the OVS staff will contact, in person, the affected employee if needed. OVS staff should select an appropriate time and place for intervention/contact and should display a helpful, supportive attitude, offering encouragement and understanding.
- C. All information given to staff involved with PAR will be considered **CONFIDENTIAL** to assure that personal remarks, observations, and experiences will not be known to the general public and staff. The only exception to the complete confidentiality of the intervention will be when an affected employee consents to a release of information, expresses a clear intent to harm themselves or others, and if endangerment to the safety and security of the work location is apparent from statements or actions of the employee. When such confidential information must be discussed further, it will be limited to the Commissioner and the Workers' Compensation Coordinator.

D. All information gathered by OVS will be documented on the PAR Contact Form (see attached) and file confidentially.

3. Reporting and Filing State Workers' Compensation Fund

A. As intervention and contact with the victimized employee proceeds, OVS staff will establish a rapport in order to assess whether the employee needs professional counseling that deals specifically with Duty-Related Trauma/Critical Incident Stress. When counseling services is deemed necessary, or requested, OVS staff will inform the Workers' Compensation Coordinator for coordination with the State Workers' Compensation Fund and the appropriate counseling resource.

4. Follow-up

A. OVS staff will periodically contact the victimized employee to provide information, future referrals and follow-up services if deemed necessary.

**Planning and Implementing Post-Trauma Services for Employee
Assistance Programs**

Submitted to:

EMPLOYEE ASSISTANCE
Publication Date -- July, 1991

Timothy Barnett-Queen, M.Div., M.S.W.
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Many employee assistance programs are being asked to respond to the psychological consequences of work-related traumas, i.e. robberies, sexual assaults and natural disasters. Typically, post-trauma interventions are provided on an emergency basis without careful planning and consideration of the psychological, legal and organizational issues involved. The purpose of this article is to identify problems with emergency post-trauma services, offer options for planning these interventions and suggest strategies for implementing post-trauma programs as part of employee assistance programs.

Often employee assistance programs begin providing post-trauma services after a frantic call from a company representative (external EAP) or a manager (internal). Eager to assist and be involved, counselors are sent to the company or work site to "get things back to normal." Often, brief meetings or "debriefings" are the only intervention and support provided to traumatized employees.

There can be some serious problems associated with these unplanned attempts at emergency post-trauma services. First, when those providing the services are primarily concerned with "pleasing the boss" or "keeping the client happy," the needs of employees may not be of primary concern. Second, post-trauma interventions can force difficult choices for employee assistance professionals when workers' compensation and fitness for work issues arise. For instance, relationships which may have taken months or years to develop may be damaged when providers advocate for organizational changes in response to traumatic events. Third, organizations not previously educated concerning trauma or committed to the psychological recovery of their employees may limit (for financial or other reasons) post-trauma counseling or other follow-up services. Last, employee assistance professionals without proper training may try to do more than they are able endangering employees' recovery efforts. With the litigation for psychological injuries a possibility, interventions provided by those with little training and experience can seriously damage the company and increase settlement costs.

Employee assistance programs also provide services after traumatic events to "gain visibility," as a "loss leader" or to separate their programs from others in the employee assistance marketplace. Our experience is that post-trauma services provided for these reasons tend to emphasize the public relations value of the response and focus on brief interventions with little follow-up with employees or managers.

The most effective employee assistance response to a trauma begins before an incident occurs. There should be careful consideration of organizational and program component issues followed by a process of planning, training, program implementation and maintenance strategies. In this way, the possibility for post-trauma recovery for all employees can be maximized.

Organizational issues refer to: 1) building commitment within an organization for appropriate and thorough post-trauma services; 2) the identification of changes necessary within an organization to adequately accommodate survivors of traumatic events and; 3) the process of facilitating these changes (Figure 1).

Employee assistance programs should anticipate the kinds of potentially traumatic incidents that might occur and specify the needs of those most impacted. One simple way to do this is to make a list of incidents that have occurred in the last ten years and brainstorm "worst case" scenarios. It is important to insure that your list includes those kinds of events that would clearly be traumatic and fit accepted definitions of trauma (Barnett-Queen and Bergmann, 1988a). Recognizing that the process of change is difficult in most organizations, it is important to identify the individuals and departments which will likely help or hinder your efforts. For example, we have worked extensively with banks and have found that security personnel often assume that post-robbery services will interfere with the identification of losses and investigations. Therefore, when developing post-trauma services in financial institutions, we always target security personnel for education and include them in planning. Other areas to be targeted are marketing, public relations, human resources and medical departments. Unless addressed early in the planning process, these concerns could block the development of post-trauma services. It might be helpful to prepare a brief presentation and explanation of the impact of trauma and the importance of post-trauma services to be delivered to each of these key people and departments. Legal and workers compensation issues should also be addressed as well as the experience of other organizations offering similar services. The process of building commitment is a difficult but necessary step in developing an effective post-trauma program.

The goal is not merely approval to provide the services after a traumatic event but an overall change in the view of psychological injuries by the organization (Dunning, 1988).

Program issues refer to decisions concerning the initiation of the post-trauma response, types of services provided, training and maintenance strategies that will occur.

In most cases, the decision to initiate a post-trauma response to a particular event is obvious. The list of potentially traumatic events described above will cover the majority of situations that arise. However, there may be times when things are not so clear such as the death of a co-worker after an illness or a prolonged period of high chronic stress followed by an incident of moderate traumatic potential, i.e. a hospital with a post-trauma program reported a series of unusual and sudden death on an obstetrics unit followed by an automobile accident during which a nurse's husband was severely injured. In these cases, it is important to have criteria for the characteristics of traumatic events which can serve as a starting place to discuss whether or not to respond John Willson et al (1985) have developed one such list that includes ten characteristics of stressor events (Figure 2). Understanding this list can assist in the decision to offer post-trauma services.

The decision to respond should not be made carelessly. When services are provided too frequently to events which do not qualify as traumatic, the credibility of the post-trauma program can suffer. The providers might come to be viewed as rescuers who "chase ambulances" looking for work rather than professionals with a legitimate interest in post-trauma recovery.

The field of traumatic stress is quite new and no research-based consensus has emerged concerning the most appropriate post-trauma interventions. Yet, it is possible to make some recommendations based on post-trauma services presently provided to a variety of work settings including business and industry, health care, public safety and corrections.

We have written previously concerning a post-trauma "Continuum of Care" which describes an array of services that includes the critical elements of recovery and promotes organizational commitment (Barnett-Queen & Bergmann, 1988b). The components of the program include:

1) Trauma Preparation Training

Employees who receive information concerning post-trauma consequences and procedures for the organization's post-trauma response will be better able to manage their feelings and participate in post-trauma services. The goals of this training are to: 1) prepare personnel for the normal psychological consequences of exposure to potentially traumatic incidents; 2) teach basic recovery coping skills to be used after an incident; 3) assist in creating a supportive environment throughout the organization; and 4) describe the components, procedures and regulations associated with the post-trauma program. Every at-risk employee should receive trauma preparation training.

2) Post-Trauma Debriefings (Educational and Psychological)

A debriefing is a specifically designed group meeting for the purpose of preventing long term post-trauma psychological consequences. There are two types of debriefings. Educational debriefings are normally of limited duration (approximately ninety minutes), accommodate large groups of survivors, are didactic in nature and emphasize coping skills and self-referral for further treatment. Psychological debriefings allow small groups of employees to discuss the traumatic incident in detail, understand the normalcy of post-trauma consequences and create a detailed plan for recovery. During a psychological debriefing, employees are assessed by trained debriefers concerning the need for further services.

3) Post-Trauma Counseling

Counseling sessions are extensions of debriefings and include continued discussion of the traumatic event, post-trauma consequences and the further development of coping skills. Post-trauma counseling sessions are different from many other kinds of counseling and psychotherapy in that they are almost exclusively oriented to the "here and now." Few personnel who participate in a psychological debriefing require further services in the form of individual counseling. Those who do generally require three to four sessions of special post-trauma counseling. (Barnett-Queen & Bergmann, 1990)

Among those providing services after work and duty-related trauma, there is general agreement about the importance of these components. Many public safety (law enforcement, fire and emergency medical) and corrections organizations also include a peer support component to their programs (Barnett-Queen and Bergmann, 1988b). Peer supporters can be the "eyes and ears" of the post-trauma program, identifying potential traumatic incidents and assessing the need for post-trauma debriefings and counseling. In addition, peer supporters are taught basic crisis intervention and active listening skills and participate in debriefings facilitated by trained mental health professionals. Employee assistance programs may also consider interventions for family members and formal six month and one year follow-ups for all impacted personnel (Williams, 1988).

Employee assistance professionals are often asked to immediately travel to the site of the traumatic incident to provide initial support and crisis intervention. Others choose to provide extensive services within the first few hours after the incident occurs. There is some disagreement about the utility of these "on-site" services. The moments that immediately follow a traumatic incident are characterized by shock, a sense of disbelief and physical/psychological numbing. Many survivors of traumatic events report that they are very tired, have difficulty concentrating and remembering important information. In addition, survivors often want to leave the site of the incident and make contact with family and friends. Therefore, the psychological response of survivors immediately after the incident may preclude effective post-trauma services.

Organizations are also traumatized and in disarray and are besieged by internal security, law enforcement personnel and the media. Immediate post-trauma services can be very difficult to coordinate and may interfere with investigations and run the risk of worsening the crisis. Finally, employee assistance professionals who respond on-site run the risk of traumatizing themselves. Immediate arrival means possible exposure to rescue efforts, severe injury or triage decisions. Many providers have not developed the skills necessary for managing such exposure. For these reasons, we generally do not recommend immediate interventions.

Those supporting such services argue that the recovery process can begin sooner when personnel respond immediately. From this point of view, survivors with strong, acute responses can be medically treated and information provided concerning immediate coping skills. Further, some organizations insist on immediate responses for their personnel and it may be difficult to refuse these "requests." Each employee assistance program should carefully consider these and other factors when deciding to provide "on-site" responses.

A major program consideration for employee assistance programs is the maintenance of post-trauma services once they are established. There are several factors which hinder the continued existence of these programs.

1. There is a general tendency for people to avoid consideration of exposure to traumatic events at work. Thoughts of the potential dangers in a work setting may trigger uncomfortable anxiety. Information concerning the post-trauma program is often avoided.
2. Post-trauma programs may be idle for long periods of time when potentially traumatic events do not occur. Inactivity works against program maintenance.
3. The post-trauma program depends on relationships between management, employee assistance professionals, and employees. All must communicate effectively for the program to operate and important contacts may diminish over time and hurt the program. (Barnett-Queen & Bergmann, 1988c).

As a result of these factors, the planning process for post-trauma programs should include careful consideration of program maintenance. A number of strategies have been used by other post-trauma programs including regular public relations campaigns, continuing education and the use of post-trauma advisory councils.

Two final program notes: 1) Providing post-trauma services is a specialized area. All providers should receive adequate training in post-trauma responses and skills training for all interventions. 2) A post-trauma program requires employee assistance professionals who do not suffer from the long term consequences of repeated exposure to traumatic incidents. Therefore, there must be a formal mechanism for psychological debriefing of providers. It is often helpful to locate and contract with providers from other organizations to be on call for "debriefing the debriefers."

Employee assistance programs will be increasingly involved in responding to traumatic events. To avoid the problems associated with unplanned, emergency interventions, employee assistance professionals should carefully consider the organizational and program component issues associated with these services.

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Figure 1

ORGANIZATIONAL AND PROGRAM ISSUES FOR POST-TRAUMA PROGRAMS

Organizational Issues

What traumatic events are most likely to occur in the organization?

To what extent is the organization willing to change the way it responds to survivors of work-related trauma? What changes will be necessary?

Who are the key people in management, unions, security, personnel and other areas who are needed to support the program?

What will the cost of the program be and where will the funds come from?

Program Issues

Who will provide the post-trauma services included in the program? What is the role, if any, for outside resources including medical back-up?

What clinical skills must be learned to adequately respond to work-related traumas? How will these skills be learned and maintained?

What post-trauma intervention will be provided

- Pre-trauma training
- Peer Supporters
- Immediate, on site crisis intervention
- Educational debriefings
- Psychological debriefings
- Family interventions
- Post-Trauma Counseling
- Long-term follow-up

Who will determine when post-trauma services will be initiated?

Who will "care for the caregivers" after post-trauma services are provided?

How will the program be maintained?

Figure 2

CHARACTERISTICS OF TRAUMATIC STRESSOR EVENTS

- Degree of Life Threat
- Degree of Bereavement
- Speed of Onset
- Duration of Trauma
- Displacement of Home Community
- Potential for Recurrence
- Degree of Exposure to Death, Dying and Destruction
- Degree of Moral Conflict in Situation
- Role of Person in Trauma (Victim, Perpetrator, etc.)
- Proportion of Community Impacted

Wilson et al, 1985

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The Aftermath Treating Traumatic Stress is Crucial

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The effect of chronic stress on correctional professionals is now well known and documented (Cheek 1984). However, there has been little consideration of the consequences of traumatic events on personnel after assaults, riots, or hostage-taking incidents. Without adequate attention to those experiencing these events, correctional personnel risk facing serious personal and work related difficulties.

Defining what may be traumatic for correctional personnel is difficult. In general, for an event to be traumatic, it must include three characteristics: a critically high level of stress; various experiences of trauma including immediate recognition of the effect of the event, denial of the importance of the event, or a shock-like response called numbing; and a normal set of feelings or consequences following the event.

Certain events are almost universally traumatic and are called "critical incidents" (Mitchell 1983). Among these are physical or sexual assault, the death or serious injury of a fellow employee, witnessing the abuse of an inmate, or a hostage experience during a prison disturbance.

Personnel exposed to one or more critical incidents experience a normal and inevitable response called critical incident stress (Mitchell 1983). Regardless of experience or personality, every individual has a threshold above which critical incident stress consequences can be expected.

Immediately after a critical incident, personnel are likely to experience significant withdrawal from important people, activities, and job related tasks. They re-experience the event through flashbacks, suffer depression, have difficulty sleeping, and have nightmares. They suffer anxiety, hyperalertness, guilt, and may have difficulty returning to work. It is not uncommon for personnel to say they have feelings or feel dead inside or numb.

Without appropriate action following a critical incident, severe and long-term consequences may result. For example, an individual who does not receive critical incident stress services and continues to experience flashbacks, continuous thoughts of the event, and sleep difficulties may try to manage these feelings through the use of legal and illegal substances including alcohol, tranquilizers, marijuana, or barbiturates. Likewise, when withdrawal and numbing continues, severe and chronic depression may be the result. Other long-term consequences of critical incident stress include divorce, unemployment, violent relationships, and suicide. Critical incident stress interventions reduce the likelihood of these long-term difficulties and make it possible for correctional employees to manage the normal results of their traumatic experiences.

South Carolina's Experience

On April 1, 1986, a disturbance occurred at the Kirkland Correctional Institution, Columbia, South Carolina. During the incident, which lasted more than two hours, approximately 30 employees were either held hostage by inmates or locked themselves in offices, cells, or rest rooms. Fortunately, there were no serious injuries, although there was more than \$1.5 million in property damage. Following the incident, DOC officials asked a group of mental health professionals experienced in responding to duty related trauma among law enforcement officers and emergency personnel to work with those involved.

Approximately one week after the disturbance, a critical incident stress debriefing was held that included hostages and those exposed to life-threatening experiences during this critical incident. Two four-hour sessions were necessary to accommodate the large number of personnel involved.

A critical incident stress debriefing is a group meeting carefully designed to reduce the possibility that those exposed to a critical incident will experience long-term critical incident stress difficulties. It was first developed for use with law enforcement officers and emergency personnel, including firefighters and paramedics (Mitchell 1983). There were five components to the debriefing used after this disturbance. Each component is described below.

Setting the stage. Personnel experiencing duty related trauma withdraw from those who are not part of their organization, yet also express relief to learn that debriefers are from the outside. A debriefing team composed of nondepartment employees is helpful because it reduces concern about possible disciplinary action that might result from the session. Ample time was used for informing participants of the makeup of the debriefing team and the nature of the debriefing session. Ground rules were set by the team and participants and included not leaving during the debriefing session, the promise of confidentiality, and a request that each individual speak freely. The team members explained that the purpose of the debriefing was to assist in the emotional recovery of those involved, not to discuss strategies for handling prison disturbances or the possible mistakes of those involved.

Telling the story. Participants were asked to describe their experiences during the disturbance, including sights, sounds, feelings, smells, and thoughts. Such retelling has several purposes. First, most people report considerable relief when they have the chance to talk about their experience, and the debriefing is usually the first opportunity for most to do so. Second, since traumatic events are usually complex and may occur over a wide geographic area, discussing the experience provides information for a complete understanding of the event. Third, discussing the incident seems to decrease the memory loss that is a normal part of critical incident stress.

Looking at the consequences of survival. Participants were asked to describe their critical incident stress feelings, and all participants reported some of the normal consequences described above. Depending on the nature of

Critical incident stress interventions make it possible for correctional employees to manage the normal results of their traumatic experiences.

involvement during the incident, personality, and previous experience, severity of feelings varied. The most commonly mentioned critical incident stress consequences were anxiety about returning to work, concern that further disturbances with injuries or fatalities might occur, sleep disorders, numbing, and withdrawal. Debriefing participants reported they were surprised their feelings were also felt by others and were relieved to discover they were "really normal."

Understanding the consequences of survival. To further understanding of critical incident stress and coping skills for managing feelings, the debriefing team presented information to participants. All materials presented were part of a packet of materials for later use that included expectations for recovery, normal consequences of critical incident stress, making a referral for posttrauma counseling, and suggestions for managing critical incident stress consequences.

Closing and evaluating. During the closing comments, participants were urged to support and monitor each other. Such support helps combat feelings of withdrawal and normalizes other critical incident stress feelings. The availability of posttrauma counseling was mentioned, and the follow-up session scheduled. A verbal and written evaluation was conducted, and all participants reported that the session had been worthwhile.

Debriefing Follow Up

It is important that at least two individuals make up a debriefing team. The length of the meeting (in this case a total of eight hours) makes it very difficult for one person to concentrate on the process for this period of time. In addition, while one of the leaders is conducting the session, the other is assessing participants who might need special

While the long-term effectiveness of these critical incident stress debriefings for correctional employees has not been determined, at this writing all employees participating in the sessions have remained at their posts.

posttrauma counseling (Bergmann and Queen 1986). Individuals who have been in extremely life-threatening situations, who report severe critical incident stress feelings, or who are especially troubled by the debriefing session are sought out during the breaks and referred for posttrauma counseling.

Four weeks later, there was a follow-up meeting during which participants discussed their critical incident stress feelings and family and work concerns. The purpose of the follow up is to assess the level of recovery and discuss experiences since the original session. The warden of the facility thanked participants for their efforts and answered questions concerning security and other departmental matters. The involvement of the prison administrative staff is an expression of concern that provides additional support and fosters recovery.

Since the initial incident, there have been disturbances in other DOC facilities, and those involved have also participated in debriefing sessions. As a result, the department is in the process of formalizing posttrauma procedures. The DOC's hostage negotiation teams are also training personnel to immediately attend to the needs of released hostages. This special defusing team will spend time with former hostages hearing their experiences and setting expectations for critical incident stress debriefings and feelings that will follow.

In addition, all incident reports will be reviewed by the personnel department to determine the need for posttrauma services. While the long-term effectiveness of these critical incident stress debriefings for correctional employees has not been determined, at this writing all employees participating in the sessions have remained at their posts.

Managers of correctional facilities and line personnel should consider the following recommendations to prevent the long-term consequences of critical incident stress in corrections:

- Departments should not wait until a critical incident occurs to organize a response. During the confusion of a disturbance and the investigations that follow, it is difficult for officials to make decisions to implement new procedures such as a critical incident stress debriefing. In addition, supervisors and other administrators can better lend support to their personnel and posttrauma services if they have received basic information about posttrauma stress and the debriefing process.

- Policies and procedures for dealing with prison disturbances should include critical incident stress considerations. When such procedures are part of the normal postdisturbance protocol, personnel better accept posttrauma services. Procedures also reassure personnel that department officials are concerned about their emotional welfare.

- Departments should consider a coordinated approach to critical incidents. Such an effort should include the training of managerial and line personnel concerning critical incident stress, peer support skills for selected line personnel, and the immediate availability of posttrauma counseling.

- Ensure that critical incident stress services are only provided by those qualified and trained. Debriefings require advanced skills and should be provided only by specifically trained mental health professionals. Not all mental health personnel choose to be involved in serving those experiencing posttrauma stress because they find it difficult to listen to the details of critical incidents.

- Find creative ways to finance critical incident stress services. For example, in South Carolina workers' compensation has covered debriefing and counseling costs. It is their belief that such services are cost effective in preventing potentially disabling stress responses among employees.

The effect of traumatic events on correctional employees is now being recognized. With careful preparation, it is possible to prevent the long-term consequences of critical incident stress and ensure that correctional personnel remain effective in their work.

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Post-Trauma Programs *Essential for Good Morale*

by Timothy Barnett-Queen and
Lawrence H. Bergmann, Ph.D.

The potential for corrections personnel to face violence and other traumatic experiences is very real. When personnel are exposed to events that are life-threatening, include a severe loss, or expose them to death and/or destruction, they may experience immediate and inevitable psychological consequences. The consequences are called "critical incident stress," "post-traumatic stress disorder," or "duty-related trauma."

While the short-term psychological results of trauma cannot be prevented, effective and immediate post-trauma responses may prevent long-term, debilitating symptoms.

In most cases, post-trauma services provided to corrections personnel are planned and implemented immediately after the incident occurs. Typically, the facility's warden, personnel director, or mental health coordinator becomes concerned about the emotional well-being of personnel after a traumatic incident and decides to organize a response. Typically, this response includes contacting a mental health resource, which then provides some type of intervention. However, these unplanned, emergency responses have several major disadvantages:

- Post-trauma services should be provided within the first few days after the incident. An unplanned response is very difficult to coordinate within this period of time.
- Post-trauma responses to an isolated incident do not allow for adequate time for rapport to develop between corrections and mental health personnel, which severely limits the effectiveness of the intervention response.
- Inevitably, when services are not planned and implemented in advance, the traumatic event must be quite significant for an intervention of this type to be attempted. It follows then that events that affect small groups of personnel or an individual do not usually initiate a post-trauma response.
- "One-shot responses" are more likely when post-trauma services are unplanned. Interventions without adequate follow-up may actually increase the probability of severe, long-term consequences. (Barnett-Queen and Bergmann 1988)

These difficulties can be avoided when a post-trauma program is carefully planned and coordinated long before an incident occurs. Such a program should contain the following four elements we have found necessary for all for post-trauma recovery.

Information. Corrections personnel who have accurate information about trauma, post-trauma consequences, and productive post-trauma coping skills seem to make more successful recoveries. Victims of duty-related trauma who do not have recovery information sometimes believe they are never going to recover, and that they should not be experiencing any emotional changes. In addition, they tend to use inappropriate coping skills to numb or manage their post-trauma consequences.

Support. Survivors of trauma tend to feel isolated, distrustful, and detached. When survivors receive consistent support, they feel more positive about themselves, their efforts to recover, and their prognosis.

Ventilation. Detailed discussion of the incident with others is an important element of post-trauma recovery. Individuals who can talk about their experiences are more likely to feel supported by the listeners and others involved in the incident. During these discussions, they may learn important details of the incident or recall more of their own experience, which promotes recovery. Finally, survivors who are able to articulate their experiences are more likely to understand what has happened as well as the changes in their lives.

Coping Skills. The coping skills required for day-to-day living are not necessarily the same as those most helpful to a successful recovery after a traumatic incident. The use of appropriate coping skills enhances the probability of recovery from such an incident.

Continuum of Care

We have developed an approach to post-trauma responses called "the Continuum of Care" that includes these four elements. The idea of a continuum reflects the necessity of a flexible response with services of increasing intensity for varied needs. For some, information in the form of training is sufficient to prevent long-term consequences. For others, support and the opportunity to talk about the incident are sufficient. When more severe incidents occur, debriefings and post-trauma counseling provided by trained mental health professionals are required.

The best intervention program is the one that is most effective, least disruptive, and least expensive.

There are four components to the Continuum of Care.

Trauma Preparation Training

The goals of this training are to 1) prepare personnel for the normal psychological consequences of exposure to traumatic incidents; 2) teach basic recovery coping skills; 3) assist in creating a supportive environment throughout the organization; and 4) describe the components, procedures, and regulations associated with the post-trauma program. All personnel should receive training that includes:

- information on the nature of duty-related trauma and on the types of potentially critical incidents that may occur in corrections
- information on the normal psychological consequences of exposure to duty-related trauma
- suggestions for actions (recovery skills) if post-trauma consequences are experienced
- information that builds support skills for those traumatized within the organization. (Barnett-Queen and Bergmann 1987)

Peer Support Programs

The purpose of the peer support component of the continuum is to ensure that each person involved in an incident will receive the support and services necessary to make a successful recovery. Without peers within the organization to monitor potentially traumatic incidents, some will certainly be overlooked.

Peer supporters are not counselors. Their tasks include contacting co-workers to remind them that others in the organization are concerned about their welfare; allowing the opportunity to discuss the incident; assessing the need for further post-trauma services; reinforcing the use of productive coping skills taught in the training sessions; and following up with each person through the recovery process. Peer supporters may also assist mental health professionals by participating in debriefings.

Peer supporters must be carefully selected and trained. The most important selection criterion is the ability to maintain confidentiality. One incident of a peer supporter betraying confidentiality can easily destroy a post-trauma program's credibility.

Other important criteria include natural listening, rapport-building, and support skills; the willingness to be involved with others in need; and the ability to learn specific interpersonal skills. Peer-supporter training should include basic information about duty-related trauma, listening and crisis intervention skills, methods for assessing the need for more intense post-trauma interventions, and working with mental health professionals as co-debriefers.

Implementing Debriefings

Debriefings are carefully structured meetings that occur after the traumatic incident. There are two main types of debriefings—didactic and psychological. Didactic debriefings may include large numbers of personnel and focus on educating participants about post-trauma consequences and effective coping skills. Some participants may then choose to seek the services of mental health professionals.

Psychological debriefings are designed for smaller groups of personnel (15 to 20 maximum) and focus on preventing long-term consequences and the need for additional services.

The most serious difficulty with the didactic debriefing is that it does not allow all participants to discuss their personal experiences during the incident. As mentioned, this discussion is a key element of post-trauma recovery. In addition, didactic debriefings also require personnel to determine for themselves if post-trauma counseling is needed. Because some individuals may deny the effect of the event or numb their feelings, they may not be aware they could benefit from these services. Also, the mental health professionals facilitating the didactic debriefing may have difficulty ensuring the psychological safety of all involved. When the debriefing has many participants, it is virtually impossible to monitor the responses of all involved.

It is our experience that psychological debriefings are most effective, especially when they are part of a planned and coordinated program. This type of debriefing includes all the crucial elements for recovery and provides the individual attention and supervision that is required to ensure the safety of participants.

Few personnel who participate in a post-trauma debriefing require further services. Those who do generally require three to four sessions of individual, special post-trauma counseling.

Generally, the mental health professionals leading the debriefing determine whether further counseling for an individual is needed. Such a recommendation is generally made if 1) severe consequences are reported; 2) there is evidence of serious depression or suicidal thoughts; or 3) some aspect of an individual's participation in the debriefing has indicated counseling would be helpful. Recommendations for counseling are made by the mental health professional either at breaks or after the session is over. All discussions of this type are confidential.

Counseling sessions are extensions of debriefings and include continued discussion of the event and post-trauma consequences. They focus heavily on coping skills for reducing the probability of long-term consequences. Post-trauma counseling sessions are different from many other kinds of counseling and psychotherapy in that they are almost exclusively oriented to the "here and now." While some mental health professionals spend considerable time with clients discussing events in the distant past, those working with traumatized individuals focus on the traumatic event and efforts toward recovery.

The most common pitfall of post-trauma programs in corrections is the tendency not to maintain them. There are several reasons for this, including the fact that several months may go by between traumatic events. In other cases, the program may not have the total support of administrators and/or line staff.


However, maintenance efforts are essential to the program and may include a variety of activities. Continued training of new personnel and peer supporters ensures that the program becomes accepted, and that there is adequate support staff. Publicity efforts through newsletters, presentations, or posters may also be an effective way of reminding personnel that a program exists.

There should also be continued communication with facility administrators reminding them of the importance of the program and soliciting advice and feedback concerning its operation. Mental health professionals involved in providing the debriefing and counseling services must also meet for additional training so that their skills can be maintained. Following post-trauma interventions, those providing the services must be debriefed and supported as well.

The most important maintenance strategy is the efficient and effective provision of post-trauma services to personnel. As the facility "grapevine" communicates the positive results of the program, acceptance increases and visibility is maintained.

Well-planned and well-maintained programs maximize the possibility of preventing long-term psychological consequences of duty-related trauma. This protection is critical to the life of the institution and the welfare of its personnel.

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SAFETY

COMPLIANCE
LETTER
WITH OSHA
HIGHLIGHTS

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Safety Stats. The Bureau of Labor Statistics (BLS) recently released the results of its annual job-related injury and illness survey. The survey showed that nearly 6.6 million occupational injuries and illnesses were recorded in 1989.

That's about 136,000 more injuries and illnesses than were reported the year before. However, the rate of 8.6 per 100 full-time workers was unchanged because employment and hours worked rose proportionally.

More specifically, the survey found that nearly 6.3 million job-related injuries occurred in 1989. In 1988, the number of injuries was around 6.2 million. Furthermore, the number of occupational illnesses also rose. The survey found nearly 284,000 new cases in 1989 compared with 240,000 new cases in 1988.

"Although the count of injuries and illnesses each increased by about 2 percent over the 1988 data, the number of exposure hours of employees increased by the same percentage, meaning the rates are the same," pointed out Assistant Secretary of Labor Gerard F. Scannell.

"We are disappointed that there was no improvement," Scannell admitted. "These results highlight the challenges that continue to face employers, employees, and OSHA. And they reinforce my personal commitment to improving safety and health."

In this issue: Here's how to secure safety at your facility ■ Safety Spotlight: Here are some compliance tips for OSHA's new lift-slab standard ■

INCLUDE TRAUMA TRAINING IN YOUR DISASTER PLANNING

Disaster planning should go beyond preparing the plant and training your people how to respond and keep safe. You must also plan for the aftereffects employees experience following a trauma. If you don't, you could be headed for long-term trouble.

"When a person experiences an event that is outside the realm of what a normal person might expect during a lifetime—such as surviving a workplace disaster—posttraumatic stress disorder may result," says Timothy Barnett-Queen, a principal at Counseling and Readjustment Services (Columbia, SC). "Individuals suffering from posttraumatic stress disorder will exhibit a wide range of symptoms including fear, anxiety, drinking, withdrawal, avoidance of work, sleep disorders, and explosive behaviors.

"Symptoms tend to cluster in two forms," explains Barnett-Queen, who has a master's in social work. "One form is anxiety based, with symptoms such as sleep disturbances, flashbacks, nightmares, fear, and hyper-vigilance. The other form is depression based, and includes symptoms of sadness, suicidal thoughts, and grief."

Needless to say, these symptoms can—and most likely will—disrupt work. For example, employees suffering from posttraumatic stress disorder are more likely to have workplace fights. Also, their absenteeism and accident rates are higher.

Worse yet, if these trauma symptoms are ignored, they can become chronic. And you could lose your most experienced workers to substance abuse, violence, or long-term clinical depression.

Obviously, posttraumatic stress disorder must be prevented. And it can be! With your help, people can learn to treat their posttrauma consequences, Barnett-Queen assures.

Planning for the Possibility

Now—while no disaster seems imminent—is the time to talk to workers about the possibility of disaster. As part of your disaster planning program, explain the dangers of earthquakes, hurricanes, and man-made explosions.

Also, let workers know what preparations you have in place, such as



YOU BE THE JUDGE

The Story: "I've noticed that the dozer operator isn't wearing a seat belt," the OSHA compliance officer said.

"No, he isn't, and he shouldn't be," responded Marty Burrows, safety supervisor at Sunset Logging, Inc. "Wearing the seat belt would restrict the driver's movements, and he might not be able to get out of the way of jillpokes—you know, trees and shrubs and such stuff that are kicked up and thrown through the open cage of the cab. Do you think he should be wearing a seat belt?"

"Yes. You must protect the driver during a rollover," the officer explained. "There's no question that using heavy equipment on these steep slopes could result in a vehicle rollover. Wearing a seat belt would be the driver's only chance for survival."

"Granted, if a rollover occurred, death might be possible," Burrows admitted. "But rolling over is less likely to occur than having jillpokes enter the cab cage. And being impaled by one of them is no laughing matter, either."

"Do you really think requiring seat belt use would increase the driver's chances of being impaled?" the officer asked.

"Sure," Burrows answered. "The driver wouldn't be able to get out of the way as easily."

"Listen, you're worried about impalement; I'm concerned about rollovers," the officer summarized. "And I know how to protect workers from both dangers. You should require the use of seat belts and the wearing of protective clothing."

"Now you're getting ridiculous," Burrows concluded.

At Issue: Sunset Logging received a citation for violating §1910.132(a) because its dozer operators weren't required to wear seat belts. Should the company require seat belt use or would the use put workers in greater danger?

You decide; then turn to page four for the Commission's decision.

emergency generators, nonperishable food and water, and emergency response teams. Finally, talk about the trauma employees may experience should these possible disasters become reality.

"Employees who are at risk, whether from a possible plant disaster or a natural disaster, need to be informed of the kind of reaction they might have," Barnett-Queen says. "They need to be able to recognize the symptoms of trauma." So, run through them. Specifically, you should discuss:

- | Nightmares
- | Fear
- | Depression
- | Relationship problems
- | Drinking

In general, encourage workers to tune in to their habits *now* so that they'll be able to recognize changes in themselves.

"Education will not prevent workers from being traumatized, but it will help them to help themselves in time to mitigate the long-term problem," Barnett-Queen explains.

During the Disaster

"During a disaster, there's not a great deal you can do. Those people involved are just concentrating on survival and/or they are in shock," Barnett-Queen says.

People tend to react during trauma with a change in focus or outlook. Some people will broaden their focus. Others will narrow it, concentrating solely on the job at hand and ignoring everything else. Neither approach is wrong. However, Barnett-Queen points out that workers may need to either tighten their focus or widen it a little, depending on their natural direction.

"People are going to get through the trauma in their own way," Barnett-Queen states. Most of the help you can offer trauma victims comes after the fact.

A Choice for Control

During a traumatic experience, a person loses all control over events. So bringing control back into the victim's life is one of the most helpful posttrauma steps you can take. How can you return control to the victims? Allow survivors to make some choices.

For example, let disaster victims decide whether they want to continue working that day, Barnett-Queen suggests. If at all possible, backup personnel should be made available to allow direct disaster victims to take time off.

"Make sure workers realize that they have a choice. Let them know that they'll be given the option to take some time off and that it will not create a hardship on anyone," Barnett-Queen says. "They shouldn't think

that they'll be punished or that they're expected to go right back to work."

Of course, they should know ahead of time that they'll be offered this choice and that their choice won't cause a problem. "Then, if disaster does strike, let workers make the choice and be supportive of it.

"You may want to put some parameters around the choice," Barnett-Queen continues. "Workers should be allowed some amount of time if they need it. But you don't want someone never coming back to work again."

➤ **Exceptions to the Choice Rule.** Restoring choice to a person is important, but sometimes it's impossible. "Sometimes a choice simply doesn't exist," Barnett-Queen points out. "Also, if workers are exhibiting a lot of psychological symptoms, you might intervene and advise them not to choose to go back to work. Or, if they would not be safe, you must prevent them from returning to work.

"But on the whole, the average person will be capable of making a choice on his or her own. It is not a good idea to impose your will on a disaster survivor. The additional loss of control they will feel will be counterproductive," he explains.

➤ **An Alternate Choice.** Even when there's no job for the workers to return to after a disaster, there may be rescue and postdisaster tasks. So, Barnett-Queen suggests that you make the option of joining the rescue efforts available to survivors.

"Rescue work is a tightly focused job. Tunnel vision during rescue activities is not bad; it's a tool for survival," he explains. "Without a tight psychological focus on the rescue job, the effectiveness of the rescue efforts will be reduced."

Right after a traumatic experience, some workers need tightly structured work. And they can get it by working with the rescue teams. "It literally gives them something to do, and it is important to give them that choice," Barnett-Queen notes.

Treating Trauma

You can lessen the chance that your workers will suffer from posttraumatic stress disorder. Teach workers about trauma and its effects. Also, prepare for disasters.

Should disaster strike, offer workers choices, then be supportive. Finally, set up peer support groups. Survivors of disasters should have the support of co-workers to draw on, Barnett-Queen suggests.

Taking these steps will help workers cope with the disaster. However, sometimes more must be offered—namely, professional counseling.

"Generally, people tend to be in shock right after a trauma. They are just trying to survive or check for friends and relatives. Getting involved with the rescue efforts might also occupy their energy for a little while," Barnett-Queen explains. "So, treatment usually won't begin for a day or two.

Safety Spotlight



LIFT-SLAB CONSTRUCTION. OSHA has issued a final rule designed to increase worker protection during lift-slab construction. "While lift-slab construction is not a widely used method of construction, it is one that demands close monitoring and care," explained Secretary of Labor Elizabeth Dole. "These new provisions put in place safeguards against recurrence of another L'Ambiance Plaza accident [at the Bridgeport, CT, construction site]."

Under the new rule, virtually all employees are prohibited from being in a structure while slabs are lifted. There are two exceptions: Those workers doing the lifting or making connections must be in the structure; also, other employees are allowed in the structure if an independent, registered professional engineer (RPE) has determined that the structure is sufficiently reinforced so that a loss of support in one area will not affect the stability of the whole structure.

The new standard also states that:

- ➔ Lift-slab operations must be designed and planned by a RPE.
- ➔ The RPE must consider lateral stability in the lift-slab plans.
- ➔ The rating capacity must be marked on jacks (lifting units).
- ➔ Jacks must be capable of supporting at least 2.5 times the load to be applied.
- ➔ Lifting units must be installed so that they will neither lift nor continue to lift when their rated capacity is exceeded.
- ➔ Lifting units must have a safety device that enables them to support the load in any position in the event any unit malfunctions and loses its lifting ability.
- ➔ No more than 14 jacks can be manually operated.
- ➔ Lifting units must be secured to the building columns so that the lifting units will not become dislodged or dislocated.

"However, once the initial shock has ended, a plan for long-term counseling needs to be prepared," he says. Check into the services in your area, and give workers the names of available resources. If the disaster has affected a large portion of the work force, you may consider bringing professional help to the workplace.

Whatever you do, don't shun the idea of counseling; encourage it. It's a necessary part of a comprehensive disaster recovery plan.

TEAM UP WITH SECURITY FOR SAFETY

How often do you and your safety people work with members of the security department? Typically, there's very little contact between these two departments. But there should be much more, according to Jerry Smith, security director at Revlon, Inc. (Phoenix).

"The security and safety departments have a number of overlapping functions—fire safety, emergency preparedness, and drugs in the workplace, for example," Smith explains. "So integrating security and safety functions is worthwhile and rewarding. It could benefit both budgets."

Sharing Resources

Start by finding out what Security does—and vice versa. "Make sure that the security people in your company understand your safety concerns," Smith says. "And at the same time, become familiar with their operations."

You'll probably find that Security has information you could use. For example, at Revlon, the security department has its own accident reports. If your security department also keeps records like this, you could analyze them, discover trends, and implement appropriate accident-prevention programs.

Also, Security is usually responsible for finding fire

hazards. If they pass this information on to you, together you may be able to solve the problem quickly. Or if the hazard will take a while to eliminate, you could take extra precautions in the meantime to keep workers safe.

Furthermore, since drug abuse often leads to theft, many security departments keep tabs on drug abusers and have lots of drug abuse information. Again, this might be a valuable resource to you.

"In return for this information, provide Security with information from your side," Smith says. "That would include special projects that might require their help. Or maybe you'll need support for a project that would benefit both departments, such as buying new fire equipment."

Coordinating Responsibilities

There are many areas where Safety and Security should cooperate. For example, you should inspect your fire prevention and control systems together. "Also, you should work together on educational programs, such as fire drills and use of equipment," Smith says.

Once you've become accustomed to working together, a whole spectrum of opportunities to help each other will open up, Smith assures. Furthermore, the two departments will start to meld as they work together on topics such as:

- Accident prevention.
- Crime prevention.
- Safety audits.
- Emergency procedure reviews.

"To nurture this cooperation, there has to be a genuine respect and understanding between the two departments," Smith explains. "At Revlon, we security people depend on Safety for information on chemical spills, hazardous materials, storage inspections, first aid, CPR, and more. Your safety people should, in turn, be able to depend on Security to support your operations every step of the way."

THE DECISION

The use of seat belts will not put workers at a greater risk of injury, the OSH Review Commission decided. Although workers are exposed to two separate threats—a rollover hazard and a jillpoke hazard—you have to look at the *combined* danger. When the Commission did this, it found that there would not be a greater number of accidents with the use of seat belts. So, the company must require seat belt use. Furthermore, the Commission suggested enclosing the cabs.

This case has been fictionalized for dramatic effect and to protect the privacy of those involved.



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Occupational Health & Safety

July 1990

Response to Traumatic Event Crucial In Preventing Lasting Consequences

Observers, rescuers and supervisors can be traumatized by a serious accident involving a co-worker

Trauma is like being hit by a truck. When a person is involved in a highly stressful or traumatic event, psychological injury is as likely for the survivor as physical injury is for the survivor of a truck accident. This psychological injury causes normal and expected symptoms called "post-traumatic stress."

There are a variety of events that traumatize people. Similarly, the threshold of trauma is affected by age, experience in similar situations, survival of other stressful events and the individual's perception of the incident. Because of these factors, it is very important not to make judgments about what will or will not traumatize a person. When decisions about how to respond to work-related trauma are made without the input of those affected, poor decisions concerning post-traumatic responses can result.

It is possible to make some general guesses about what you might expect to be traumatic for "most" individuals. Survivors of sexual or physical assault, hostage incidents or severe industrial or vehicular accidents are likely to experience the psychological consequences of trauma. The observers, rescuers and supervisors may also be traumatized. For example, a man required to extricate an amputated finger from a piece of machinery after an accident may well experience post-traumatic stress. Since those other than the direct victim of a trauma may be affected, it is important to identify and provide post-traumatic services to all potential survivors.

CONSEQUENCES. There are three general types of post-traumatic consequences that survivors of work-related traumas experience in the hours and days following incidents.

Re-experiencing consequences include feeling as if the incident is happening again, constant and intrusive thoughts about the event, fear or anxiety and concern about another or similar incident happening, and nightmares.

By Timothy Barnett-Queen, MDIV, MSW, and Lawrence H Bergmann, PhD, Counseling and Readjustment Services, Columbia, S.C.

Withdrawal consequences include attempts not to think about or to feel emotions connected to the incident. These can include drinking, staying busy or not coming back to work, depression, avoidance of reminders of the incident and withdrawal from family and friends.

Other consequences include anger, irritability, sleep problems, difficulty concentrating and an exaggerated startle response.

The importance of managing stress at work is now accepted. According to Knight and Felts, "Stress-management programming has become standard fare in most corporate health programs."¹ In general, these pro-

Withdrawal effects can include depression and substances abuse.

grams focus on chronic stressors such as work overload or underload, poor communication, the physical environment, or high levels of responsibility. To date, few formal programs have addressed the needs of those experiencing extremely high stress at work. These highly stressful events, also called "traumas," can be devastating to the organization and to individuals involved in the incidents.

UNDERSTANDING TRAUMA. It is important not to confuse those events which cause stress (stressors) and traumatic events (traumas). Although some individuals may experience "stress responses" after long periods of stress, most people have adequate coping skills to manage the symptoms associated with stressors, such as demanding deadlines, stacks of paperwork or working late. On the other hand, almost every person will experience the impact of a traumatic event. Everyday coping skills tend to be inadequate in managing these events and the emotional consequences that follow. It is possible to manage stress, but trauma tends to "manage us" and cause potentially life-disrupting changes.

Most people experiencing post-traumatic stress will shift between

withdrawal and re-experiencing in an attempt to bring some stability and control into their lives. Employees who witness the severe injury of a co-worker might call in sick for days after the accident. When they do return, they may be scared, anxious and have severe nightmares. After that, the workers might stay out additional days or leave their positions in an attempt to manage post-traumatic consequences.

Immediate post-traumatic responses cannot be prevented. They are as normal as injuries suffered by a man hit by a truck. Long-term problems can develop if post-traumatic consequences are not managed. They may include substance abuse, divorce, loss of employment, severe depression and an increased rate of suicide. With immediate and effective responses to work-related trauma, most of these long-term problems can be prevented, and the organization can resume normal activities.

COMPONENTS OF RECOVERY. Four components are necessary for post-traumatic response in preventing long-term problems.

Information. Personnel who receive accurate information about trauma and post-traumatic consequences seem to make more successful recoveries. Those without information may believe that they should not be experiencing any emotional changes or may believe that they are mentally ill. As you might expect, this causes increased anxiety and fear and tends to worsen post-traumatic consequences. When information is available before a traumatic incident, personnel understand their responses and tend to use more effective coping skills in managing them.

Support. Personnel need support from families, co-workers and the "company." When this support is provided, they feel much less isolated, distrustful and withdrawn. Small things that demonstrate a true concern for the person's well-being after a traumatic incident are very important. During these times, employees need to feel they are more than numbers and that they are valued beyond their work

output. These activities tend to promote increased personnel commitment and productivity as well.

Ventilation. Detailed discussion of the incident with others is an important element of post-traumatic recovery. Personnel who can talk about their experiences are more likely to feel supported by the listeners and others involved. They may learn important details of the event from others or may recall more of their own experiences during the incident, which promotes recovery. Finally, personnel who are able to articulate their experiences are more likely to understand the changes in their lives.

Coping skills. Survivors of trauma are likely to have mistaken beliefs about how to live with their experiences. For example, it is not uncommon to hear personnel saying to one another, "We've just got to get on with our lives and put this behind us." Acting in this way decreases the opportunity to discuss and process the event, increasing the risks for nightmares, flashbacks and fear on the job. The coping skills required for effectively managing trauma are not generally known, and an effective post-traumatic response must include information about the development of these skills.²

POST-TRAUMATIC RESPONSES. A post-trauma recovery program can be developed to incorporate the components of recovery in an organized response. To be most effective, the program should be developed before a traumatic incident occurs and post-traumatic services should occur during the first two to four days.

Even personnel directors who coordinate response may be traumatized.

There are at least three reasons why efforts at managing traumatic incidents require pre-planning and implementation. First, when a response is not planned, locating the best resources and planning the services are difficult. Second, in a crisis situation, decision-making and planning are difficult. Other tasks may take priority over providing support for employees. Managers and personnel directors may be traumatized, and this may make it difficult for them to coordinate these activities. Third, some of the long-term consequences of trauma can be prevented by providing information before the incident occurs. Obviously, this is not possible if plans are not in place.

There are three components of the Post-Trauma Recovery Program:

Trauma Preparation Training. Employees who receive information concerning post-traumatic consequences and procedures for the organization's post-traumatic response will be better able to manage their feelings and participate in post-traumatic services. The goals of this training are to:

- prepare personnel for the normal psychological consequences of exposure to potentially traumatic incidents;
- teach basic recovery coping skills for use after an incident;
- assist in creating a supportive environment throughout the organization; and
- describe the components, procedures and regulations associated with the post-traumatic program.

Duration of training can vary as long as these goals are met.

Post-Trauma Debriefings. A debriefing is a specially designed group meeting that provides the opportunity to discuss experiences and feelings during and after the incident. Employees learn effective post-traumatic coping skills, and each creates a plan for his or her recovery. During the debriefing, facilitators assess participants to determine if they need post-traumatic counseling. For maximum effectiveness, the debriefing should occur two to five days after the incident.

Post-Traumatic Counseling. Counseling sessions are extensions of debriefings and include continued discussion of the traumatic event, post-traumatic consequences and the further development of coping skills. Post-traumatic counseling sessions are different from other kinds of counseling and psychotherapy in that they are almost exclusively oriented to the "here and now." Few who participate in a post-traumatic debriefing require further service in the form of individual counseling. Those who do generally require three to four sessions of special post-traumatic counseling.

Organizations should follow up on all

Employee records should be checked for continuing difficulties.

employees involved in a traumatic event. First, a followup of the debriefing should occur within four weeks to ensure that employees are recovering satisfactorily. Second, employee records should be checked periodically

— at least after six months and after one year — to detect any continuing difficulties that might be related to the incident.

There are a variety of benefits that result from implementing a post-traumatic response. One study of the effectiveness of post-traumatic services concludes that those receiving immediate assistance have had few incidences of permanent disability, were not likely to seek legal action against the company and saved companies an average of about \$37,000, as compared to companies in which individuals did not receive timely help. In addition, employees not experiencing emotional difficulties are less prone to accidents.

There appear to be significant results in the non-financial area as well. It is our experience that employees feel very positive about their employers and believe that the company is concerned about their well-being when efforts are made to respond to traumatic incidents. This often translates into greater productivity and fewer absences. ■

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Update

The Employee Newsletter of South Carolina National
A Subsidiary of Wachovia Corporation

February 21, 1992

SCN's Special Counseling Service Helps Employee Victims

Imagine. You've been working at SCN for three months as a teller. You love your job. You've been entrusted with a lot of money and with the responsibility of caring for and serving customers and you take that responsibility very seriously. One ordinary day, a nervous guy with a stocking mask and a cold steel revolver looms before you waving the

and demanding money. "Some people can go through a robbery without skipping a beat, while in others, a robbery can bring up traumas they didn't even know they had," said Charleston Regional Executive John Holloway.

Because of the serious psychological effects robberies or other catastrophic events (Hurricane Hugo in 1989 affected almost everyone in the Charleston region whether or not they had personal losses, John noted), South Carolina National initiated a program in 1988 that provides automatic counseling services for employees involved in a threatening event. The service is referred to as Post-Trauma Counseling. "This was an offshoot of the Employee Assistance Plan. Those counselors recognized a need in some of our employees for more specialized professional counseling, especially those who had been involved in robberies," said Columbia Personnel's Ed Comer.

"We consider this preventive medicine; we want to help our employees before the problem becomes too great."

SCN officials met with two Columbia psychotherapists, Dr. Larry Bergmann and Tim Queen, who operate a post-trauma counseling service. They were called in following the next SCN robbery and have been on call for SCN ever since.

The specialized counseling was integrated into SCN's formal robbery procedures.

It had been in place about a year when Hurricane Hugo struck the South Carolina coast.

The post-Hugo counseling was not restricted to those employees who suffered losses, said Personnel's Tommy Little, but was available for everyone in the Charleston area. "It helped bond our employees during a very traumatic time in their lives," he said.

John Holloway goes further.

"Calling in Larry Bergmann and Tim Queen after the hurricane was the smartest thing this company did relative to our people," he said.

"While the counselors were able to identify people who needed more discussion and get those people more help, they also provided a good sounding board for lots of other people, including me."

The counselors held group sessions where all the employees could talk about their feelings at will. That helps people realize they aren't alone and that their feelings are shared by their co-workers.

"We had group sessions where everyone talked their way through it," John said. "Personally, the discussions helped reach some things in me that I hadn't known were there ... and helped get them out."

The counseling service is a formal part of SCN's robbery procedures. Following a robbery, an SCN official goes to the branch after the initial police investigation and explains why counselors are being brought in. "We are sensitive to people who don't want to come out and talk with the counselors but we do encourage very strongly that people do talk," Ed said. "We are committed to doing whatever we can to head off problems. It's much better to uncover a problem early on."

Ed also noted the "trauma team" is brought in regardless of whether the robber involved weapons or overt violence.

The bank officials leave before the counselors begin their sessions with the employees, Ed said. The counselors can tell who needs further help and who just needs to talk out feelings and have the reassurance that the counselors are only a phone call away.

Columbia branch manager Steve Taylor is almost a "veteran" of bank holdups — he's been at two SCN branches that were robbed. And, he notes, that even when a robbery is not violent, people who are victims still feel violated.

After a particularly violent robbery at Columbia's Bluff Road office several years ago (that one involved sawed-off shotguns, masked bandits and nasty threats), the counselors were lifesavers. "You never forget a thing like that. It's a violation," he said. "To this day, when I see someone riding a bike and wearing a mask, I still get flashbacks."


One of the benefits of the group counseling is that it lets employees share their pain and get it out. "Everyone realizes that everyone else has the same feelings and it helps to know you're not alone," Steve said. "You can sort of divide the trauma."

Steve, too, praised the sensitivity and availability of the counseling team. "They stay as long as you need them and are only a phone call away," he said.

Partly because of SCN's success with this program, a statewide committee chaired by Security's Sonny McDaniel has been started by the U.S. Attorney's office. In cooperation with several financial institutions and the SC Bankers Association, it will make post-trauma counseling available on a statewide basis.

"share
their
pain and
get it
out"

"We consider
this preventive
medicine"

 <p style="text-align: center;">California Department of Corrections</p> <p style="text-align: center;">OPERATIONS MANUAL</p>	<p>Chapter: 30000 Personnel, Training and Employee Relations</p>
	<p>Subchapter: 31000 Personnel</p>
	<p>Section: 31020 Health & Safety Program</p>

**31020.5.5
CENTRAL OFFICE/
INSTITUTION/PAROLE
REGION SAFETY
COORDINATOR'S
RESPONSIBILITY**

The local safety coordinator shall:

- Develop and implement the local safety program.
- Ensure compliance with all safety regulations, codes, directives, and policies.
- In case of serious or imminent hazards to life or safety in any place of work within the institution/parole region/office, exercise the authority to shut down the hazardous job, work site, or area until adequate corrections are made.
- In conjunction with the safety committee, review operations to assure compliance with the departmental safety plan prepared by the Health and Safety Unit.
- Meet at least monthly with the Central Office institution/region Safety Committee and attend all departmental safety coordinator's conferences.
- Make regular, periodic on-site inspections of facilities, equipment, and devices to ensure that:
 - They are in safe operating condition.
 - Safety devices are in place and operative.
 - Safe operating procedures are being used.
 - Living areas are free of hazards.
- Report the inspection findings to the hiring authority.
- Make written recommendations to the hiring authority regarding the prevention/correction of possible, imminent, or present fire or life safety problems.
- Review all accident reports of employees and inmates to evaluate compliance with safety policies and procedures and make recommendations regarding preventive and/or corrective action and training needs.
- Work in cooperation with training staff to develop training programs in the areas of fire and life safety and ensure:



**California
Department of
Corrections
OPERATIONS
MANUAL**

**Chapter: 30000
Personnel, Training and Employee Relations**

**Subchapter: 31000
Personnel**

**Section: 31020
Health & Safety Program**

- Provision of one hour of safety training to all new staff during orientation.
- Presentation of safety classes through in-service training at regular intervals throughout the year.

**31020.6.
HEALTH MANAGEMENT
PROGRAM**

The Health Management Program shall consist of the following sections and subsections.

**31020.6.1
EMPLOYEE ASSISTANCE
PROGRAM**

The Department shall provide assistance to all employees for the prevention and/or reduction of health and personal problems as they relate to job performance. It is in the best interest of the State to employ a fully productive work force that is in good physical and emotional health. Participation in the program does not jeopardize job security or promotional opportunities. Employees are expected to meet job performance standards, so participation does not supersede the grievance or disciplinary processes. Total confidentiality shall be observed.

Recognizing that personal problems, unique pressures, and stress can lead to inadequate job performance and cause further deterioration of the employee's self-esteem, the Department has established the Employee Assistance Program (EAP). See brochure at Exhibit H.

EAP does not provide direct treatment to the employee or family member. EAP is contracted out to a private consulting firm for diagnostic and treatment counseling services. The consulting firm:

- Is a source of information and referral to independent assessment counseling.
- Identifies the nature of the problem, and
- Directs the employee or family member(s) to the treatment service best suited.

Services

This service is voluntary, personal, and confidential. All employees and their family members are eligible. The information and referral services include, but are not limited to, problems of alcoholism, drug dependency, marital, financial, social, legal, emotional, or interpersonal relationships.



California
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Corrections
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MANUAL**

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Personnel, Training and Employee Relations

Subchapter: 31000
Personnel

Section: 31020
Health & Safety Program

Treatment

The counseling firm provides one-on-one diagnostic and treatment counseling services. Referrals to other training clinicians are also provided when needed.

Charges/Visits

There are no charges to the employee or dependents for the private assessment evaluation. The number of free visits for counseling of rank and file employees is determined by the bargaining unit to which each belongs. See the appropriate bargaining unit contract or EAP coordinator for details.

**31020.6.1.1
DEPARTMENTAL
EMPLOYEE ASSISTANCE
PROGRAM MANAGER'S
RESPONSIBILITY**

The departmental EAP manager is the Health and Safety Officer. The EAP manager shall:

- Provide assistance to EAP coordinators in the field and Central Office pertaining to specifications of the EAP contractor.
- Coordinate training when needed by the EAP contractor.
- Act as a liaison with other appropriate agencies.
- Monitor effectiveness of program through collection of statistics and other pertinent data obtained from the EAP contractor.
- Compile reports for dissemination to Department of Personnel Administration (DPA) and other control agencies.

**31020.6.1.2
CENTRAL OFFICE
EMPLOYEE ASSISTANCE
PROGRAM COORDINATOR'S
RESPONSIBILITY**

The Central Office coordinator shall assist the EAP manager with responsibilities as stated in this chapter. The Central Office EAP coordinator has the same duties as a field EAP coordinator.

**31020.6.1.3
FIELD EMPLOYEE
ASSISTANCE PROGRAM
COORDINATOR'S
RESPONSIBILITY**

Under the appointment of the hiring authority, the field EAP coordinator shall:

- Coordinate and administer the EAP within departmental guidelines and the needs of the EAP contractor. All problems pertaining to the EAP contract shall be referred to the EAP manager.
- Be a referral source for employees to reach the EAP practitioner.
- Make no attempt to diagnose the employee's or family member's problem but refer the employee to a counseling service trained in diagnosing and referral services.



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- Make known to all employees the existence and services afforded under this program.
- Provide assistance and training to supervisory personnel in all aspects of the program.
- Ensure complete confidentiality of all information obtained from and about employees and their family members.

**31020.6.1.4
SUPERVISOR'S
RESPONSIBILITY**

Supervisors shall:

- Accomplish the work of a unit efficiently through the efforts and abilities of the employees directed.
 - Provide assessment of job performance and appropriate corrective action when necessary.
 - Corrective action shall include an offer of assistance through the EAP when the problem appears to be personal in nature.
 - The EAP is designed to relieve the supervisor of direct involvement in the employee's personal problems.
- Ensure employee performance and attendance expectations.
- Give the name and phone number of the EAP coordinator to the employee in need.
 - Make sure the employee understands that participation in the program is voluntary and confidential.
 - Offer the use of the telephone for the employee to call the EAP coordinator.
- Document the date the EAP was offered.
- Allow State time off for an employee to consult with the EAP practitioner. If the employee accepts an EAP referral, allow the employee the time off required through the use of earned leave credits. This shall be documented on STD Form 998 as "therapy" or "personal consultation".

EAP Referral

Use of State Time



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**Adjust the Work
Assignment**

- Adjust the employee's work assignment in order to facilitate completion of the initial diagnostic interview with the outside consultant, as well as any participation in the appropriate treatment/counseling programs prescribed for the employee.

Do Not Diagnose

- Refrain from attempts to diagnose the employee's personal problem(s).
 - Information received as a result of EAP referral shall not be placed in the employee's personnel record.
- Refrain from inquiry of the EAP coordinator or contracting agency on the status of the employee, e.g., whether or not the employee accepted the program and/or progress.

**Reasonable Time
for Improvement**

- Give the employee a reasonable amount of time to improve the deficiencies before taking adverse action, if such action is necessary. The supervisor shall review the employee's performance weekly and document appropriately.

Adverse Action

- If an employee fails to respond with acceptable job performance within a reasonable length of time, or the performance continues to deteriorate, initiate adverse action. Participation in the EAP does not supersede appropriate disciplinary action.

**31020.6.1.5
EMPLOYEE'S
RESPONSIBILITY**

The employee shall maintain satisfactory work performance and conduct on the job. The employee, when recognizing a need for assistance, may contact the EAP coordinator or referral/counseling agency before work performance is adversely affected.

- If these resources are not effective in helping the employee, further discussion and/or referral may be necessary.
- Acceptance of the service is voluntary.
- The employee shall make every attempt to arrange for EAP counseling/treatment outside of working hours.
- If the work performance is not corrected, adverse action may result.

The employee need not identify the exact nature of the problem to the EAP coordinator.



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Rank and file employees should refer to their collective bargaining agreement for further details on the EAP program.

31020.6.1.6
**EMPLOYEE ASSISTANCE
PROGRAM CONTRACTOR'S
RESPONSIBILITY**

EAP contract vendor shall:

- Provide services as required under the current contract.
- Provide the Department with the appropriate credentials of all of the licensed clinicians to whom departmental employees shall be referred.
- Provide quarterly and semi-annual reports on program activity giving pertinent statistical information to the departmental EAP manager.
- Operate a system of records on individuals in accordance with the Privacy Act of 1974, Public Law 93-579.
- Maintain complete confidentiality regarding the identity, diagnosis, and treatment of any employee. Disclosure shall occur only under the following circumstances:
 - When authorized by written consent of the employee.
 - When records are subpoenaed.
 - Contractor shall advise the Department concerning any employee whose condition involves clear and imminent danger to the safety of others or of physical violence by the employee.

Reports

**Confidentiality
Limitations**

31020.6.2
**MEDICAL TERMINATION/
DISABILITY RETIREMENT
(INDUSTRIAL AND
NON-INDUSTRIAL)**

Medical termination or disability retirement are proper steps to take in the event that all appropriate vacant positions in the Department have been evaluated and determined inappropriate or there are no vacancies in the Department and all other benefits have been exhausted.

Medical termination and disability retirement are administrative or voluntary actions which separate an employee who has incurred a disability/illness and/or is unable to perform the duties of any position in the Department.



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**31020.6.2.1
IMMEDIATE
SUPERVISOR'S AND/
OR EMPLOYEE'S
RESPONSIBILITY**

The employee and/or the immediate supervisor shall contact the local or departmental RTW coordinator for assistance in initiating a medical termination or disability retirement.

**31020.6.2.2
LOCAL AND/OR
DEPARTMENTAL
RETURN-TO-WORK
COORDINATOR'S
RESPONSIBILITY**

If existing documentation is insufficient for the appropriate action, the local or departmental RTW coordinator shall arrange for a medical examination and report, cost to be paid by the Department. The appointing power may require an employee to submit to a medical examination to evaluate the capacity of the employee to perform the work of a position. [The local State Compensation Insurance Fund (SCIF) Office may be contacted for assistance in the selection of a physician.]

Documentation

Sufficient documentation may include one or more of the following:

- A medical report from the employee's doctor stating that the employee is not physically and/or mentally able to function in the current position or any other position.
- A statement from the employee that they are not physically and/or mentally able to function in the current position or any other position.
- A medical report from SCIF stating that the employee is not physically and/or mentally able to function in the current position or any other position.

PERS-BEN Form 369

For processing disability retirements, initiate the application for retirement, PERS-BEN Form 369 (Exhibit I), upon request from appointing power and/or employee, if eligible for disability retirement.

**Advising the
Affected Employee**

Advise the employee that the treating physician shall receive a copy of the medical examiner's report.

Assist and counsel the employee as to the appropriate action to be taken if medical reports or the employee's own written statement indicate an inability to perform in the present position or any other position or the employee has declined an appropriate position(s) that was offered.

Advise the employee of appeal and reinstatement rights.



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**Retirement
Eligibility
Criteria**

Work-Related Disability Retirement. No minimum service required for State safety members, five years of credited service required for industrial members.

Non-Work-Related Disability Retirement. Five years of credited service required by all members of PERS.

Forward the request, if initiated by the employee, to the appointing power for appropriate action with the following documents:

- A written recommendation for the approval of the request.
- All pertinent medical information.
- Employee statement, if one was submitted.
- Evidence that all mandatory options and benefits have been exhausted.

Upon approval of the appointing power, forward the completed PERS-BEN Form 369 to PERS.

For processing medical terminations of appointment, complete the Notice of Medical Termination (Exhibit J) upon request from appointing power. If the employee is ineligible for disability retirement or eligible but wants to waive the right to disability retirement and elects to withdraw retirement contributions or to allow the contributions to remain in the retirement fund with rights to service retirement in the future, the employee may do so. See Section 33030, Adverse Personnel Action, of this manual for information on service of the notice, and the administrative review process. Notify the local Personnel Transactions Office of proposed action.

**31020.6.2.3
HIRING AUTHORITY'S
RESPONSIBILITY**

The hiring authority's responsibility is to approve disability retirement or medical termination, whichever is applicable, after considering the conclusions of the medical information and other pertinent information stating that employee is unable to perform the work of the present position or any other position in the Department.

Return approved action to the RTW coordinator who initiated the action.



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**31020.6.2.4
APPEAL AND
REINSTATEMENT
RIGHTS**

If terminated, the employee shall be given at least 15 days written notice prior to the effective date of the termination. If the employee wishes to appeal the termination decision to the State Personnel Board (SPB), that must be done within 15 days after receipt of the written termination notice.

Appeal Rights

If the Public Employees' Retirement System (PERS) disapproves an employee's request for disability retirement, the employee may file a written appeal with PERS in Sacramento within 30 days of the mailing of the disapproval notification. An appeal should set forth the factual basis and the legal authorizations for the appeal.

**Reinstatement
Rights**

Reinstatement is considered upon request of an appointing authority or petition of the employee who was terminated. If it is determined by SPB that the employee is no longer incapacitated for duty, the employee shall be reinstated to an appropriate vacant position in:

- The same class, or
- A comparable class, or
- A lower rated class.

Such a reinstatement to a position in a different agency may be made only with the concurrence of that agency. In approving or ordering such reinstatements, the SPB may require the satisfactory completion of a new probationary period.

**Re-Employment
Lists**

When the SPB finds the employee who was terminated, demoted, or transferred is no longer incapacitated for duty but there is no vacant position available, the name of the employee shall be placed upon such re-employment lists as are determined to be appropriate by the SPB.

**31020.6.3
NON-INDUSTRIAL
DISABILITY INSURANCE**

State employees who meet eligibility requirements and become disabled because of a covered injury, illness or medical condition, including pregnancy may be eligible to receive Non-Industrial Disability Insurance (NDI) benefits.

NDI is a wage continuation program administered by the Employment Development Department.



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Qualification

To qualify, a departmental employee must be a current active member of the Public Employees' Retirement System. An employee must be in "compensated employment" (in pay status and not separated by a formal leave of absence). All permanent part-time and full-time employees or probationary employees or state officers are covered under the program. Permanent part-time and permanent intermittent employees and state officers who have at least six monthly compensated pay periods of service in the 18 months immediately preceding the pay period in which the disability begins, may also be eligible for NDI benefits on a prorated basis.

Benefits and leave credits may vary according to designation and/or collective bargaining unit. For further details see bargaining unit contracts or Department of Personnel Administration Rules 599.770 through 599.779. See Exhibits K and L for required forms.

**31020.6.4
EMPLOYEE POST
TRAUMA PROGRAM
(EPTP)**

Employee involvement in specific violent, work related situations may cause serious physical and/or emotional trauma to the employee.

Immediate intervention and counseling has been shown to alleviate many trauma related problems and to help the employee remain fully productive.

To minimize the effect of trauma, EPTP shall provide immediate intervention care and counseling by coworkers and nondepartmental professionals.

- Physical assault of a serious nature.
- Sexual assault of a serious nature.
- Hostage incident.
- Causing serious injury/death to person(s).
- Direct involvement in critical incidents.

EPTP shall:

- Provide specific intervention services.
- Designate responsibilities and response times for post incident trauma care.



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**Intervention
and Counseling
Services**

**31020.6.4.1
IMMEDIATE
INTERVENTION**

- Provide professional nondepartmental counseling services in a timely manner that meets the employee's needs.
- Return involved employees to duty as soon as possible.
- Train and inform all staff of the goals, operation and use of the program.

Professional, counseling services to assist employees in post trauma situations are provided by direct contract to the Department or under the provisions of State Workers Compensation program.

Immediate intervention counseling is available on a 24-hour-a-day basis from the departmental Employee Assistance Program (EAP) primary contractor.

The caller shall:

- State they represent the State of California, Department of Corrections, and their call is of an emergency or crisis nature.
- Be connected immediately with a licensed clinician.

The clinician shall arrange for a personal visit with a post trauma specialist within four hours if need is indicated.

**31020.6.4.2
POST INCIDENT
COUNSELING**

Subsequent contact and steps shall be based on the needs of the employee and the professional judgment of the clinician.

A mandatory post incident counseling interview shall be conducted with a licensed clinician specializing in post trauma stress within three days of the incident, physical condition permitting. If not, the time shall be arranged by the EPTP coordinator according to circumstances.

The employee shall:

- Be provided information regarding post trauma symptomatology.
- Participate in the assessment of their emotional status.

Recommendations for further assistance may be proposed.

The content of the interview is confidential; however, the clinician shall verify the fact of attendance to the Department and provide an assessment.



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31020.6.4.3
CONTINUED CARE

Continued psychological care is available on a voluntary basis through Workers' Compensation or EAP.

The employee may continue seeing the original clinician or may elect another mental health worker who meets the criteria as outlined in the program.

The specific program, time frames, cost coverage, etc., shall follow the guidelines in Section 31020.6.1 and 31020.7.5.1.

31020.6.4.4
**CONTRACTING
FOR SERVICES**

In addition to services provided by the departmental EAP primary contractor, local administrators may maintain other immediate medical referral services.

A list of additional referral services shall be provided to the departmental EPTP coordinator including contact persons and telephone numbers.

Contractors shall:

- Provide a documented background in employee/victim intervention and trauma care.
- Have the demonstrated capacity to diagnose and treat employee/victim post trauma disorders and, if necessary, refer the employee for additional treatment.
- Hold the appropriate current state license in their mental health specialty as required by the state.
- Meet the standards for response.
- Be familiar with law enforcement procedures, correctional settings and critical incident management.
- Participate in orientation/familiarization program at the institutions they shall be serving.
- Complete the Verification of Interview Attendance Form (Exhibit M).



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**31020.6.4.5
COORDINATOR
DESIGNATION**

The EPTP coordinators shall be designated as follows:

- Department - health and safety officer.
- Institutions - Negotiations Management Team (NMT) leader.
- Central Office - disturbance control manager.
- Parole offices - unit supervisor.

**31020.6.4.6
TEAMS**

Each institution EPTP team shall be comprised of one additional NMT member and two or more staff (non-NMT) with appropriate interest and skills.

The Central Office team shall include a staff member from each division.

Parole regions shall form their teams from unit supervisors (coordinators) or other designated staff members.

At management's discretion, more members can be added consistent with the size of the institution, region, division, or office.

The team shall have both male and female members.

**31020.6.4.7
ADMINISTRATIVE
RESPONSIBILITY**

Each warden, regional administrator, and deputy/assistant director shall:

- Ensure that a local EPTP program is available and used in the employee's and Department's best interests.
- Appoint an EPTP coordinator.
- Appoint an EPTP team.
- Ensure coordination between the EPTP, the return-to-work, (RTW) and the employee assistance program (EAP) coordinators and other program resources.
- Ensure the EPTP coordinator and team receive appropriate training in the goals and procedures of the program.



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31020.6.4.8
**DEPARTMENTAL
COORDINATOR
RESPONSIBILITY**

The Health and Safety Officer is the departmental EPTP coordinator and shall:

- Provide assistance to all EPTP coordinators in establishing and administering effective programs.
- Coordinate all EPTP activities with the disturbance control program manager.
- Provide training for EPTP coordinators.
- Provide liaison with appropriate agencies.
- Coordinate with counseling agencies to monitor and establish more effective methods of working with employee trauma problems.
- Assist area return-to-work coordinators, committees, and management in the solution of trauma-related problems.
- Provide information about return-to-work options and employment opportunities available to staff involved in critical incidents.
- Provide the services of qualified rehabilitation representatives as requested.
- Ensure the system maintains strict confidentiality of the employee's personal information.
- Collect statistics and other pertinent data to monitor program effectiveness.
- Prepare an annual report summarizing the progress and effectiveness of the program.

31020.6.4.9
**SUPERVISOR'S
RESPONSIBILITY**

In the event of a trauma causing incident the supervisor shall:

- Provide relief for the involved employee(s).
- Remove the employee from the incident area.
- Assign another staff member, preferably EPTP trained, to stay with the employee throughout the post trauma activities. At no time shall the employee be left alone.



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- Notify the EPTP coordinator of the incident and the employee's apparent physical and emotional status.
- Notify the administration of the incident and that the EPTP coordinator is responding.
- Assist the EPTP coordinator as requested.
- Prepare the documentation required by subsection 31020.7.5 of this manual if the employee is injured or believes an injury/illness is the result of the incident.

**31020.6.4.10
LOCAL COORDINATOR'S
RESPONSIBILITY**

The EPTP coordinator shall:

- Assist the warden in determining the composition of EPTP team.
- When contacted respond to the location designated.
- Conduct the critical debriefing of employee(s) involved for the purpose of:
 - Assisting the employee to understand the situation.
 - Providing information and assistance to meet the needs.
- Advise the employee that:
 - Information relating to their personal feelings shall be confidential.
 - If information relates to safety and security of the institution and may lead to adverse action they have a right to representation.
- Consult with the administration regarding potential services which may be provided to the employee.
- Ensure the employee is informed regarding medical referral programs, EAP, Workers' Compensation Benefits, and RTW program.
- Notify the administration immediately if professional intervention is requested or deemed appropriate. (Refer to subsection 31020.6.4.2.)



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- Schedule the employee for the mandatory counseling interview and ensure that the interview has been conducted.
- Maintain weekly contact with the employee, if the employee is off work, or until contact is no longer needed if the employee is working.
- Assist the administration to:
 - Arrange special work assignments or time off.
 - Ensure follow-up care is provided and maintained.
 - Evaluate the effectiveness of treatment services.

Debriefing

The debriefing shall be held as soon as possible and prior to the employee going off duty unless physically or medically infeasible.

If the EPTP coordinator is unavailable, a previously designated and trained team member shall assume the responsibilities.

A confirmation of assistance form (Exhibit N) shall be completed.

**Information
Packet**

The employee shall be given a packet containing detailed information about:

- Psychological referral resources.
- Employees Assistance Program.
- Return-to-Work Program.
- Listing of hospitals.
- Community resources; crisis intervention, rape counseling, hotline numbers, and support groups.

The pertinence of these services shall be explained.

The employee shall:

- Leave the area where the incident occurred as directed by the supervisor.

31020.6.4.11
EMPLOYEE
RESPONSIBILITY



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- Participate in the critical incident debriefing with the EPTP coordinator.
- Attend the post incident assessment session with a professional clinician.

If an employee feels that their injury or illness is work related and is preventing the employee from maintaining a satisfactory work performance, the employee shall:

- Notify their supervisor.
- Fill out the appropriate forms and documentation to initiate workers' compensation procedures.

**31020.6.4.12
POST INCIDENT
ASSIGNMENT**

Assignments of every employee involved in trauma causing incidents shall be reviewed.

Employees in inmate contact positions shall be temporarily reassigned until:

- Completion of the mandatory counseling interview and review of the clinicians assessment.
- The situation is reviewed by the warden, regional administrator, or deputy/assistant director.

Other employees may be temporarily reassigned if it is in their or the Department's best interests.

Temporary reassignments shall have:

- Input from employee and the immediate supervisor.
- Approval of the warden, regional administrator, or deputy/assistant director.

**31020.6.4.13
TIME OFF**

Time off shall:

- Be granted if the employee requests it or if it is determined to be in the best interests of the employee or the Department.
- Follow sick leave, CTO, or vacation procedures.



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- May be reimbursed under workers' compensation provisions to include Industrial Disability Leave (IDL). (Refer to subsection 31020.7.5.1 of this manual.)

**31020.6.4.14
LIGHT DUTY/LIMITED
TERM ASSIGNMENTS**

Temporary limited term special assignments may be made and shall be governed by Department and state rules and regulations.

**31020.6.4.15
RETURN-TO-WORK**

The emphasis of the EPTP shall be upon returning the employee to duty in the shortest time possible.

Notwithstanding, the results of the mandatory counseling interview shall be considered in the reassignment process.

All alternatives provided by Government Code 19991.4 shall be followed where appropriate. The time frames and provisions of the return-to-work program shall be followed. (Refer to subsection 31020.7.6 of this manual.)

**31020.6.4.16
EMPLOYEE POST
TRAUMA PROGRAM
TRAINING**

The departmental EPTP coordinator shall ensure that:

- All managers and supervisors receive training in the administration of EPTP.
- EPTP coordinators for all units are designated and trained.

Each new employee shall be instructed regarding EPTP during the orientation at the local level.

The provisions of EPTP shall be included in the basic academy curriculum.

The Training Section shall coordinate with the Department EPTP coordinator to ensure that all employees receive information annually at the local level.

The institution/unit EPTP coordinator shall assist IST staff to:

- Train supervisory and management staff in operation of EPTP.
- Provide information of EPTP provisions and services to all employees.



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31020.6.5
BLOOD DONATIONS

A blood donation, a true "gift of life", is an act of generosity which can in no other way be duplicated. Without the generosity of volunteer donors, blood would not be available for thousands of patients who require blood because of illness, injury, or surgery.

Program

The Department encourages participation in blood donation programs for employees and their immediate family members.

- Each institution/region and headquarters shall establish blood donation programs. A staff person shall be appointed as the blood donation coordinator.

**Reserve
Account**

Where there is an American Association of Blood Banks (AABB) Office, a reserve account shall be established. In all other geographic areas, the American Red Cross is available. While it does not establish reserve accounts, a blood donation program shall be established.

All requests for withdrawals from a reserve account shall be handled on a "first come, first approved" basis.

Time Off

The Department allows up to two hours off for regular donors when back-up coverage is not required. For special donation programs such as Pheresis, actual donation time plus up to 30 minutes travel time may be approved.

Supervisors retain approving authority for granting time off for blood donations. Time off shall not be approved where back-up coverage is required.

31020.6.5.1
**CENTRAL OFFICE
BLOOD DRIVE**

The Chief of the Health and Safety Unit is the blood donation coordinator for Central Office.

Working with the local AABB Office, Central Office shall sponsor a blood drive three times a year to establish a reserve account for employees of Central Office and their immediate family members.

**Withdrawal
Requests**

The Chief of the Health and Safety Unit or designee shall approve withdrawal requests from the reserve account.

31020.7
**SAFETY MANAGEMENT
PROGRAM**

Each institution's safety plan shall ensure that all work and living areas are safe from life-endangering conditions and comply with departmental guidelines via a general safety plan.



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Parole and Central Office facilities shall submit only the Employee Protection Plan which shall be titled "Emergency Preparedness Employee Protection". Two copies shall be submitted to the appropriate deputy director (either for Parole and Community Services Division or Administrative Services Division) for review and forwarding to the State Police.

31020.7.1
**CENTRAL OFFICE/
INSTITUTION/PAROLE
REGION SAFETY
COMMITTEE**

The safety committee is the vehicle by which the routine day-to-day health and safety issues (i.e., life safety, procedures, accident reports) are raised, and, where possible, resolved.

31020.7.1.1
MEMBERSHIP
**Central Office/
Institutions**

Central Office or institution membership may be represented through, but not limited to the following listed areas, by a representative or designee. The committee shall consist of at least fifteen members representing a large cross-section of the work force. When a committee vote is required, a simple majority vote of those present shall be necessary.

- Fire Chief.
- Business Services.
- Custody.
- Food Services.
- Prison Industry Authority.
- Maintenance.
- Medical.
- Education.
- Exclusive bargaining agents.
- In-service training officer.
- ACA Coordinator.
- Employee Relations Officer.
- Records.

PRISON CRIMES REFERRAL STANDARDS

I. INTRODUCTION

Historically, legally, and as a matter of logic and practicality, most law enforcement agencies in California have routinely exercised discretion in referring cases to the prosecutor's office for review and possible filing of a criminal complaint. That is to say, California criminal investigative agencies traditionally have been viewed, and have viewed themselves, as filters, not funnels, through which cases are presented to the prosecutor's office for the issuance of a criminal complaint. Accordingly if, after the investigation was concluded, it appeared to the particular law enforcement agency that a case was not provable, that no conviction could be obtained therein based on the available evidence, no referral thereof was made to the prosecutor.

An exception to this otherwise virtually universal practice among California law enforcement has been the California Department of Corrections, which, by an interpretation of Director's Rule 3316 (Title 15, California Administrative Code),¹ has throughout the state, taken the position that that regulation requires the referral of any suspected felony violation of law, without regard to the provability thereof.

This practice has resulted in a significant waste of time, energy and resources on the part of personnel in both the Department of Corrections and the prosecutors' offices to which referrals of such cases are made. It has also resulted in an unfair dilution and, in fact, an untrue representation, of figures used for statistical analyses that have been routinely made to measure the effectiveness of crime detection, prevention and prosecution on the part of both the correctional facility and the prosecuting agency concerning crimes committed in those correctional facilities.

Some District Attorney's offices have reached informal agreements with the local Department of Corrections facility by which referrals are, in fact, "screened" somewhat, but the official position of the Department of Corrections remains that "all felonies" must be referred to the local prosecutor for review, consistent with Rule 3316.

The purpose of this publication is to establish a uniform set of statewide standards for the referral of in-custody felonies to the local prosecuting authority. These standards are not meant to be interpreted or applied with blind rigidity. As with investigations into crimes committed outside correctional institutions, there may be instances in which the case does not fall strictly within these standards, but as to which a discussion should be had with the prosecutor's office to determine whether or not further investigation is necessary and/or referral should nevertheless be made, based upon the unique facts of the case.

¹ Section 3316 provides in pertinent part: "All felonies occurring on institution property...will be referred by the warden or superintendent to appropriate criminal authorities for possible investigation and prosecution."

II. STANDARDS

A. ASSAULTIVE CRIMES [Penal Code Sections 4500, 4501, 4501.5, 245(B)]

1. Assaults on Staff

Assaults on staff should be referred for review where there is significant, observable injury, or where, by the nature of the assault, the potential for serious injury is clear (e.g., acid thrown at an officer, but misses; a match bomb is thrown but misses; a zip gun fires lethal "bullet" but misses). Incidents which can be characterized as spontaneous acts of pushing, shoving or kicking should not be referred but should be handled administratively.²

2. Assaults on Other Inmates

Assaults by an inmate on another inmate should be referred where there is significant observable injury [or the clear potential for serious injury is present as noted in (1)(A), supra] and the victim inmate is willing to cooperate with the investigation and to testify in court. If the victim inmate is not willing to testify, the case should be handled administratively unless there is clear observation of the assault from its beginning by one or more officers. (A jury in any assault case is loathe to convict a defendant of assault when the victim clearly does not care; also, many prosecutors have experienced an uncooperative "victim" testifying on behalf of his "assailant" that someone else committed the crime, or that the incident was just harmless "horseplay" that, by accident and misfortune, resulted in injury.)

3. Homicides or Other Major Incidents

In any incident in which death results, or in any other major violent incident, it is recommended that immediate contact be made with the prosecutor's office for advice and other assistance as the investigation begins and as it progresses. Whether or not a formal referral of the case results from such investigation can be decided on a case-by-case basis.

B. POSSESSION CRIMES

1. Weapons Possession (Section 4502)

Cases should be referred (1) where the inmate is in actual possession of the weapon (in his hands, clothing or body cavities), or (2) where it is found secreted in his personal property or his cell and there is an admissible confession or admission of ownership or the inmate's fingerprints are found on the weapon. Care should also be taken to insure that if the weapon has the appearance of a knife, i.e., that it is a "sharp instrument," as required by Section 4502.

² The power and authority to use administrative discipline as an alternative to formal prosecution is a unique option that can be considered in prison crimes. An inmate can lose up to 180 days of time credits for rules infractions. Also, it is provided in the Director's Rules that an acquittal in court will result in a reversal of any administrative sanctions. Rule 3316(g).

Appendix K : California Statute Regarding CYA Staff-Assaults

AB 1952 (As Amended 1/17/92)
Department of the Youth Authority
Background Information

The purpose of this legislation is to establish in state law that any assault on a staff person or visitor at a Department of the Youth Authority (CYA) facility would be considered a felony, regardless of injury or severity and would be punishable by 2, 4, or 6 years in state prison, if a deadly weapon or any means of force is used which is likely to produce great bodily injury.

Under current law, an assault against a CYA staff person or visitor may be considered a felony if it results in serious bodily injury. However, the crime is a wobbler in that it potentially could be prosecuted simply as a misdemeanor even if the individual was seriously injured. Current statutes regarding the offense of assault with a deadly weapon or if any means of force is used are inconsistent when applied to staff or visitors of a CDC or CYA facility. This bill would make the penalty consistent regardless of where the offense took place.

Specifically, current law provides the following:

1. An assault committed by a CYA ward on anyone who is not confined within the institution is punishable by a fine and/or imprisonment in the county jail for up to one year.
2. An assault by a CYA ward on anyone who is not confined within the institution which results in serious bodily injury is punishable by imprisonment in state prison for 2, 3, or 4 years or in county jail for up to one year.
3. An assault by a CDC inmate on anyone who is not confined within the institution where a deadly weapon is used or any means of force likely to produce great bodily injury is considered to be a felony, punishable by imprisonment for 2, 4, or 6 years.

AB 1952 would elevate the offense of assault to the level of a felony, punishable by imprisonment in the state prison for 2, 4, or 6 years if a deadly weapon or any means of force likely to produce great bodily injury is used.

This legislative proposal will address the problem of CYA staff being assaulted by wards, with or without serious bodily injury resulting, who are then not held accountable for their actions. If a ward assaults a staff person, there is the possibility of addressing the issue through the Disciplinary Decision Making System (DDMS). Depending on the severity of the offense, the ward is given a DDMS, Level A or B. Assaults on staff are generally considered to be serious enough to warrant a Level B DDMS. If there is sufficient Available Confinement Time (ACT) remaining, the problem can be addressed administratively by extending the ward's commitment time to CYA. However, in those situations where the available confinement time is limited to a short amount of time, there is no penalty that can be given administratively that will be effective.

By increasing this penalty, the provisions in state law regarding assaults against CYA staff or visitors will then be consistent with similar provisions in the Penal Code regarding assaults against CDC staff and visitors.

AMENDED IN ASSEMBLY JANUARY 17, 1992

AMENDED IN ASSEMBLY APRIL 15, 1991

CALIFORNIA LEGISLATURE—1991-92 REGULAR SESSION

ASSEMBLY BILL

No. 1952

Introduced by Assembly Member Jones

March 8, 1991

An act to amend Section 1768.8 of the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1952, as amended, Jones. Minors.

Existing law provides that an assault or battery by any person confined in an institution under the jurisdiction of the Department of the Youth Authority upon the person of any other individual not confined in such an institution is punishable by a fine or by imprisonment not to exceed one year, or by both; ~~and~~. *Existing law also provides* that such an assault or battery which inflicts serious bodily injury is punishable by imprisonment for up to 4 years.

This bill would revise the ~~above described provisions latter provision~~ to provide that an assault by a person confined in an institution under the jurisdiction of the department upon the person of any individual not confined therein ~~is punishable by a fine or by imprisonment not to exceed one year, or by both;~~ ~~and that such an assault~~, with a deadly weapon or instrument, or by any means of force likely to produce great bodily injury, is a felony punishable by imprisonment for 2, 4, or 6 years. ~~It would provide that a battery upon such a person is a felony punishable by imprisonment for 2, 3, or 4 years.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1768.8 of the Welfare and
2 Institutions Code is amended to read:

3 1768.8. (a) An assault or battery by any person
4 confined in an institution under the jurisdiction of the
5 Department of the Youth Authority upon the person of
6 any individual who is not confined therein shall be
7 punishable by a fine not exceeding two thousand dollars
8 (\$2,000), or by imprisonment in the county jail not
9 exceeding one year, or by both a fine and imprisonment.

10 (b) An assault by any person confined in an institution
11 under the jurisdiction of the Department of the Youth
12 Authority upon the person of any individual who is not
13 confined therein, with a deadly weapon or instrument, or
14 by any means of force likely to produce great bodily
15 injury, is a felony punishable by imprisonment in the
16 state prison for two, four, or six years.

17 ~~(c) A battery by any person confined in an institution~~
18 ~~under the jurisdiction of the Department of the Youth~~
19 ~~Authority upon the person of any individual who is not~~
20 ~~confined therein is a felony punishable by imprisonment~~
21 ~~in the state prison for two, three, or four years.~~

Peace Officers' Bill of Rights

The State Coalition of Probation Organizations (SCOPO) is the only statewide line staff umbrella coalition that exists in California. We are dedicated to promoting the interests of probation officers and institutional workers. SCOPO is not a union and neither bargains nor interferes with the internal matters of a local union, association or employer. The SCOPO Board of directors is comprised of working Deputies and Counselors-Group Supervisors. We sponsor and monitor legislation, maintain historical and MOU information, network crisis resources as needed, research new problems, and can probably help your organization with research, referral and clarification or initiation of legislation.

This booklet is provided for your information and convenience by SCOPO, a member driven non-profit organization. We encourage your discussion of these issues with your local union or association.

We believe it is vital for you to know and understand your rights as a public safety officer under California law. As a peace officer protected by the Public Safety Officer's Procedural Bill of Rights, if you are being investigated and your department seeks to question you, you have the following rights:

1. Prior to the interrogation you have the right to be informed of the nature of the investigation. gov. C. §3303(c).
2. The interrogation shall be conducted at a reasonable hour, preferably when you are on duty or during your normal waking hours. If the interrogation is during your off-duty time, you shall be compensated for such off-duty time in accordance with your regular department policies. gov. C. §3303(a).
3. You have a right to be informed prior to the interrogation of the rank, name and command of the officer in charge of the interrogation. The questioning cannot be done by more than two (2) interrogators. gov. C. §3303(b).
4. If you are being questioned concerning a matter which may lead to punitive action, you may, at your request have a right to be represented by a representative of your choice who may represent you during the questioning. gov. C. §3303(h).
5. You have a right to tape record the interrogation and you have a right to copies of any notes, reports, or complaints made by investigators or other person, except those which are deemed to be confidential. gov. C. §3303(f).

Peace Officers' Bill of Rights (page two)

6. You have a right not to be subjected to offensive language or threatened with punitive action. Your home address and your photograph cannot be given to the press or news media without your express consent. gov. C. §3303(e).
7. In the event you are required to immediately write a report, letter, memo, and/or answer questions concerning an investigation which could POSSIBLY lead to punitive action against you, and you do not have time to contact your chosen representative, you should read aloud the following Non-Waiver Statement or write the statement and give it to the person requesting you to report:

"I understand that I am being ordered to make a report or answer questions and that if I do not comply with the order, I may be disciplined for insubordination. Therefore, I have no alternative but to abide by the order. However, by so doing, I do not waive my Constitutional rights to remain silent under the Fifth and Fourteenth Amendments to the United States Constitution, under the protections of the California Constitution, and the protection afforded me under the case law."
8. You have a right to engage in political activity off duty and out of uniform. gov. C. §3302.
9. You have a right to have an opportunity for an Administrative Appeal in regard to any punitive action which you department may impose. gov. C. §3304.
10. No document containing adverse comments can be placed in your personnel file without your having an opportunity to review it and sign it. If you are not given that opportunity, it may be included at a later administrative hearing. gov. C. §3305.
11. If a document containing an adverse comment is placed in your personnel file, you have a right to file a response to that document within thirty (30) days. gov. C. §3306.
12. You may not be compelled to submit to a polygraph examination and no disciplinary action can be based upon your failure to submit to a polygraph examination. gov. C. §3307.

Peace Officers' Bill of Rights (page three)

13. You have a right to refuse to inform your employer of information regarding items of property, income, debts or personal or domestic expenditures and those of your family, except such information as required by state law or which is necessary for your employer to ascertain the desirability of a particular assignment. gov. C. §3308.

14. You have a right to have your locker free from search except when you are present, or with your consent, or where you have been notified that it will be searched or by any valid search warrant. gov. C. §3309.

If you feel that any of your rights under the above-mentioned Sections have been violated, or will be violated, you should contact your representative as soon as possible. If you know, understand, and exercise your rights, you may be able to avoid present problems and those that occur in the future.

■ **YOU HAVE THE RIGHT TO SAY "NO" TO AN INTERVIEW.**

Never feel that because you have unwillingly been involved in an incident of public interest that you must personally share the details and/or your feelings with the general public. If you decide that you want the public to be aware of how traumatic and unfair your victimization was, you do not automatically have to give up your right to privacy. By knowing and requesting respect for your rights, you can be heard and yet not violated.

■ **YOU HAVE THE RIGHT TO SELECT THE SPOKESPERSON OR ADVOCATE OF YOUR CHOICE.**

Selecting one spokesperson — especially in multiple-victim cases — eliminates confusion and contradictory statements. You also have the right to expect the media to respect your selection of a spokesperson or advocate.

■ **YOU HAVE THE RIGHT TO SELECT THE TIME AND LOCATION FOR MEDIA INTERVIEWS.**

Remember, the media is governed by deadlines. However, nobody should be subjected to a reporter arriving unannounced at the home of a victim. When you are traumatized, your home becomes your refuge. If you wish to protect the privacy of your home, select another location such as a church, meeting hall, office setting, etc. It helps if you are familiar and comfortable with the surroundings.

■ **YOU HAVE THE RIGHT TO REQUEST A SPECIFIC REPORTER.**

As a consumer of daily news, each of us identifies with or respects a reporter whom we may never have met. We often form personal opinions about reporters whom we feel are thorough, sensitive, compassionate and objective. If a newspaper, radio station or television station contacts you for an interview, don't hesitate to request the reporter you feel will provide accurate and fair coverage of your story.

■ **YOU HAVE THE RIGHT TO REFUSE AN INTERVIEW WITH A SPECIFIC REPORTER EVEN THOUGH YOU HAVE GRANTED INTERVIEWS TO OTHER REPORTERS.**

You may feel that certain reporters are callous, insensitive, uncaring or judgmental. It is your right to avoid these journalists at all costs. By refusing to speak to such reporters, you may help them recognize their shortcomings in reporting victim-related stories. However, recognize that the reporter may write the story regardless of your participation.

■ **YOU HAVE THE RIGHT TO SAY "NO" TO AN INTERVIEW EVEN THOUGH YOU HAVE PREVIOUSLY GRANTED INTERVIEWS.**

It's important to recognize that victims often ride an "emotional roller coaster." You may be able one day to talk with a reporter, and be physically or emotionally unable to do so the next. Victims should never feel "obliged" to grant interviews under any circumstances.

■ **YOU HAVE THE RIGHT TO RELEASE A WRITTEN STATEMENT THROUGH A SPOKESPERSON IN LIEU OF AN INTERVIEW.**

There may be times when you are emotionally incapable of speaking with the media, but you still wish to express your point of view. Writing and distributing your statement through a spokesperson allows you to express your views without personally granting interviews.

■ **YOU HAVE THE RIGHT TO EXCLUDE CHILDREN FROM INTERVIEWS.**

Children already suffering from the trauma of crime are often retraumatized by exposure to the media. Children often lack the means to verbalize their emotions and may be misinterpreted by both the media and the public. You have a responsibility to protect the interest of children at all costs!

■ **YOU HAVE THE RIGHT TO REFRAIN FROM ANSWERING ANY QUESTIONS WITH WHICH YOU ARE UNCOMFORTABLE OR THAT YOU FEEL ARE INAPPROPRIATE.**

You should never feel you have to answer a question just because it's been asked.

■ **YOU HAVE THE RIGHT TO KNOW IN ADVANCE WHAT DIRECTION THE STORY ABOUT YOUR VICTIMIZATION IS GOING TO TAKE.**

You have the right to know what questions reporters will ask you, along with the right to veto any question. This places you in a partnership with the reporter who is covering the story.

■ **YOU HAVE THE RIGHT TO ASK FOR REVIEW OF YOUR QUOTATIONS IN A STORYLINE PRIOR TO PUBLICATION.**

Articles are reviewed and revised by editors who have neither seen nor spoken to you. All too often, victims' statements and the intended impact of their remarks are misinterpreted or inaccurate. To protect your interests and the message you wish to convey, you have the right to request for a review of direct quotations attributed to you in the storyline.

■ **YOU HAVE THE RIGHT TO AVOID A PRESS CONFERENCE ATMOSPHERE AND SPEAK TO ONLY ONE REPORTER AT A TIME.**

At a time when you are in a state of shock, a press conference atmosphere with numerous reporters can be confusing and emotionally draining. If a press conference is absolutely unavoidable, you have the right to select one reporter to ask questions for the majority present.

■ **YOU HAVE THE RIGHT TO DEMAND A RETRACTION WHEN INACCURATE INFORMATION IS REPORTED.**

All news mediums have methods of correcting inaccurate reporting or errors in stories. Use these means to correct any aspect of media coverage which you feel is inaccurate

■ **YOU HAVE THE RIGHT TO ASK THAT OFFENSIVE PHOTOGRAPHS OR VISUALS BE OMITTED FROM AIRING OR PUBLICATION.**

If you feel that graphic photographs or visuals are not the best representation of you or your loved ones, you have the right to ask that they not be used.

■ **YOU HAVE THE RIGHT TO CONDUCT A TELEVISION INTERVIEW USING A SILHOUETTE OR A NEWSPAPER INTERVIEW WITHOUT HAVING YOUR PHOTOGRAPH TAKEN.**

There are many ways for reporters to project your physical image without using your photograph or film footage of you, therefore protecting your identity.

■ **YOU HAVE THE RIGHT TO COMPLETELY GIVE YOUR SIDE OF THE STORY RELATED TO YOUR VICTIMIZATION.**

If you feel that a reporter is not asking questions which need to be addressed, you have the right to give a personal statement. And if the alleged or convicted offender grants interviews which are inaccurate, you have the right to publicly express your point of view.

■ **YOU HAVE THE RIGHT TO REFRAIN FROM ANSWERING REPORTERS' QUESTIONS DURING TRIAL.**

If there is any chance of jeopardizing your case by interacting with the media during judicial proceedings, you have the right to remain silent.

■ **YOU HAVE THE RIGHT TO FILE A FORMAL COMPLAINT AGAINST A REPORTER.**

A reporter's superior would appreciate knowing when his or her employee's behavior is unethical, inappropriate or abusive. By reporting such behavior, you will also protect the next unsuspecting victim who might fall prey to such offensive reporters or tactics.

■ **YOU HAVE THE RIGHT TO GRIEVE IN PRIVACY.**

Grief is a highly personal experience. If you do not wish to share it publicly, you have the right to ask reporters to remove themselves during times of grief.

■ **YOU HAVE THE RIGHT TO SUGGEST TRAINING ABOUT MEDIA AND VICTIMS FOR PRINT AND ELECTRONIC MEDIA IN YOUR COMMUNITY.**

Resources are available to educate media professionals about victims, how to deal with victims, and how to refrain from traumatizing victims. You will be suggesting a greatly needed public service to benefit not only victims and survivors, but all members of the community who interact with the media.

■ **YOU HAVE THE RIGHT AT ALL TIMES TO BE TREATED WITH DIGNITY AND RESPECT BY THE MEDIA.**

NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE
COMMUNITY CRISIS RESPONSE TEAM TRAINING MANUAL
©1991: National Organization for Victim Assistance

GROUP DEBRIEFING TECHNIQUES

I. Purpose of Group Debriefings

- A. To let some steam off of the pressure-cooker of disaster reactions.
- B. Reasons why groups are used.

II. Timing of Debriefing Sessions

- A. Try to arrange debriefings so that they do not conflict with aftermath events such as funerals, memorials and the like.
- B. Night debriefings are generally better for community-wide group meetings. Day debriefings are generally better for school personnel, children, and employees.
- C. CRT group debriefings are usually no more than two hours in length.

III. Logistics

- A. The room should be accessible and comfortable for the group.
- B. Mental health and other caregivers should spread out around the room.
- C. Debriefing sessions should be done with the participants in a horseshoe configuration where possible.
- D. Flipcharts should be used to record reactions of participants if possible and with permission of participants. Flipcharts will be destroyed in the aftermath unless the participants want to keep them.
- E. Debriefings should be done in pairs.
- F. Hand-outs are provided but should not be distributed until the end of the session.
- G. Make sure kleenex is easily accessible.
- H. Make sure water is available.
- I. Let people know where the bathrooms are.

- J. Make sure people know where they can smoke and ashtrays are accessible and available.

IV. Debriefing Team Roles

- A. Debriefing leader (one person should be "in charge").

1. Begins with "I am sorry it happened" to you.
2. Introduces self and other debriefing team members.
3. Introduces NOVA and its role in the community.
4. Introduces any local caregivers who are present.
5. Gives permission to the group to say what they want and to come and go as they please.
6. Defines ground rules for session.
7. Leads the debriefing.

- B. Supporting team debriefed - "The Scribe".

1. Provides emotional support to debriefing leader.
2. Assists with individuals who may go into crisis within the group by distributing kleenex, providing physical comfort, or helping them leave the room.
3. Records notes on flipcharts.
4. Takes over the group if the debriefing leader cannot continue.
5. Contributes only when called upon by the debriefing leader.

- C. Other debriefing team members (optional).

1. Local caregivers, when available, should be prepared to assist with individuals in crisis.
2. Other CRT team members, if available, should be prepared to assist with individuals in crisis.

V. Ground Rules for Group Session are Established.

- A. Confidentiality of communication.
- B. Agenda for session.

1. Real agenda:
 - to help group define the crisis reaction.
 - provide some crisis intervention.
 - to predict and prepare the group for possible future events.
 2. Announced agenda:
 - How the participants reacted or are reacting.
 - How their family or loved ones reacted or are reacting.
 - Expectations for the future.
- C. Permission given for expression of feelings.
- D. Ask that individuals identify themselves when they talk if they are willing.
- E. No physical violence will be allowed.
- F. This is not a critique of what happened but a review of reactions.

VI. Session Procedure

- A. Ask participants to tell about their experience during the event.
1. Where were they when it happened?
 2. Who were they with?
 3. What did they see, hear, smell, taste, or touch at the time?
 4. How did they react at the time?
Listen and underscore any statements that fit within the crisis reaction framework.
- B. Ask participants to describe what has happened to them in the aftermath of the event.
1. Since the time of the disaster, what are some of the memories that stand out in your mind?
 2. What has happened in the last 48 hours? What do you remember seeing or hearing during that time?
- C. Ask participants to predict for themselves what possible range of emotions they will face in the days and months to come.
1. After all that you have been through, how do you think you will go on with your job over the next six months?
 2. Do you think that this will affect your family life in the next year?

- D. Ask participants about how they think they will deal with nightmares, intrusive thoughts and so forth.
 - 1. In most cases, they will have developed coping skills over the years. As they identify coping techniques, reinforce positive methods and suggest alternatives to negative methods.
 - 2. Answer questions.
- E. Give them a safety net for the future: a plan for future group meetings; a contact through community caregivers; NOVA's telephone number and so on.
- F. If needed, establish a rumor control mechanism through which the community can get accurate and prompt information in the future.

VII. Session Process

- A. Be prepared for emotional reactions and behavioral symptoms of trauma.
 - 1. Manifestation of levels of confusion.
 - 2. Manifestation of physical agitation.
 - 3. Manifestation of speech agitation.
 - 4. Manifestation of emotional responses.
- B. Provide emotional support and understanding.
 - 1. Project competence, calmness, authority, and encouragement.
 - 2. Maintain a nonjudgmental attitude about situation and responses.
 - 3. Promote physical comfort.
 - 4. Establish rapport through active listening, eye contact, and empathetic responses.
 - 5. If children were involved in the trauma or the event, let them attend sessions with parents if so desired.
 - 6. Listen and validate.

VIII. Special Issues

- A. Dealing with anger: anger at you or anger at each other.
- B. Dealing with grief: extent of grief or hierarchy of grief.
- C. Dealing with practical issues: financial, criminal justice, facts surrounding the event, aftermath.
- D. Dealing with issues of God: multiple traumas; the world beyond.

- E. Behavioral problems: silence, monopolization, inappropriate behavior.
- F. Use of humor in group debriefings.

IX. Conclusion of Session

- A. Review session briefly.
 - 1. Go over the agenda and how it was accomplished.
 - 2. Go over the stages of crisis reaction and illustrate how they appeared in the group using the flip charts.
- B. Ask if there are any final concerns that people want to discuss now.
- C. Distribute the debriefing hand-outs.
- D. Thank participants for attending.
- E. Assure them of NOVA's on-going support, concern, and assistance.

SECTION J

IMPACT OF CRIME ON VICTIMS PROGRAMS

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IMPACT OF CRIME ON VICTIMS PROGRAMS

Introduction

The following introduction to the text has been liberally lifted, either verbatim or with some modification, from material prepared by the California Youth Authority or by the Department of Youth Services Buckeye/TCY Complex, State of Ohio. It is interspersed with original material by this writer. Items in the appendices include course material developed by the two agencies referenced above, as well as the Washington Department of Corrections and the California Department of Corrections.

The justice system is accountable to victims and has a responsibility to implement programs which address the immediate and long-term impact of crime on victims.

Correctional agencies are mandated by the public to confine offenders in safe, secure, productive and humane environments. They are responsible for promoting and operating effective programs to work toward the successful reintegration of offenders back into the community. Efforts toward reintegration and successful adjustment in the community may be considered unsuccessful when an offender returns and re-offends because he/she has not developed respect for other people's rights, bodies, or property; for the law; or they have not developed a responsible/accountable approach to daily living.

The public, in recent years, has a greater awareness of the personal cost of crime and victimization (see Appendix B). Media attention has focused on individual loss as well as some highly publicized multiple victim incidents. Many states have enacted legislation which supports victim's rights. Cumulatively, this has resulted in major changes in attitudes toward the issues vital to crime victims:

- **Compensation** - California (1966) and New York (1967) were the first states to enact laws providing for state operated and funded programs awarding compensation for out-of-pocket losses to victims of violent crimes. Presently 49 states, the District of Columbia and the Virgin Islands operate programs. Funds are generated from fines and penalties paid by offenders, and/or general fund monies. In 1984, Congress passed the *Victim of Crime Act* which provides Federal funding (from fines and penalties) for up to 35 percent of the awards made by state compensation programs.

- **Assistance** - In 1972 in St. Louis, Missouri, the first volunteer victim assistance program was established. Now there are hundreds of both government and privately funded programs providing assistance from emergency support to education, research and advocacy. The community based organizations (CBO's), self-help support groups and the non-profit organizations such as National Victim Center (NVC) and National Organization for Victim Assistance (NOVA) are invaluable to furthering the cause of victim rights and services.
- **Restitution** - Many states in the previous two decades have expanded existing statutes to include restitution for additional crimes, and to permit restitution where the criminal was also sentenced to imprisonment. The collection and disbursement of restitution fines is yet another means by which the offender is held accountable for his crimes.
- **Victim Impact Statements** - Some states require or allow victims to prepare a statement which details the economic loss suffered by the victim, as well as the physical and psychological damage incurred by the victim and the victim's family. This statement is used by the court at the time of sentencing and in some states another statement is sought at the time of parole of the offender.

The general move in corrections toward expecting offenders to recognize their responsibility and be accountable for their actions leads correctional workers to the position that the institution must become the operative factor in educating offenders in victim issues. Staff must model appropriate behavior and represent the voice of the victim. They can focus on victim awareness through education, individual and small group counseling, institution-wide programs, community service, National Crime Victims' Rights Week activities and fund raising for victim serving agencies. Several states have developed educational programs, often modeling them after the prototype developed in California (see Appendix C).

The purpose of the Impact of Crime on Victims class is to personalize crime. Offenders cannot avoid, ignore or dismiss the results of their behavior. It is felt that direct contact in an educational and controlled setting can facilitate accountability (see Appendix D).

In developing a similar class, the question needs to be raised and resolved as to whether the class is part of the correctional education curriculum for which students earn regular class credit (See Appendix E). It is not designed to be a "therapeutic" model or considered treatment. The class lends itself well to an educational model in that students have reading and homework assignments, listen to "lectures," participate in classroom

discussions, etc. For adult institutions, the course may be offered as credit toward a GED, part of other self-help programming, or credits toward a higher degree.

Thinking Of Getting Started

In beginning an Impact of Crime on Victims class, the following are some questions which must be addressed:

- What do we expect to accomplish with an Impact class?
- Is there staff available to research and develop the class curriculum and lesson plans? (see Appendix E)
- Is there space available, classroom or other in which to teach it?
- Is the administration open to having volunteer victim presenters within the institution? How will security staff be involved in planning for visitors?
- Is there someone on our staff who is willing and able to recruit resources available in our community who would assist us in developing a curriculum and assist in providing victim presenters?
- Are there resources in the department to train teachers/class presenters on an ongoing, as well as initial basis?
- How long will the course last, i.e. how many hours (current classes run 32-50 hours)? Class hours must be sufficient for students to internalize the subject matter. The class is experiential, not just ideas presented in a vacuum. There needs to be time to think over, consider and question prior behaviors and test out thoughts and reactions.
- How many credits will students receive?

Getting Started

Once all of the above questions have been resolved, you are ready to begin! The curriculum and handbooks of all the departments currently presenting Impact of Crime on Victims classes are available. If you choose to reinvent the wheel, you may; however, you are encouraged to make liberal use of the efforts of those who have already implemented the class. Consider sharing your final product with others. The class is an evolving concept. Any new material or resources are gladly received. The following steps will assist in the implementation:

- Develop a rationale for the class which will direct staff, teachers, victims and offenders as to their roles and expectations.
- Develop program goals and objectives for the class and other spin-off activities that will be generated (see Appendix F).
- Ensure that curriculum contains components directed at violence control and anger redirection.
- Plan on writing a handbook for teachers and offenders, not just lesson plans.
- Develop means by which victim awareness is integrated into all aspects of institution life.
- Meet with the paroling authority (if applicable) and discuss the potential impact attending the class, and successful completion, will have on early/regular/late release and if a requirement will be made for certain offense categories to have mandated attendance prior to consideration for parole. Be cautious about advocacy for early release for class participation. It is arguable whether an offender should receive any benefit/reward for participation.
- In instances where paroling authorities are not involved, outline incentives for offender participation in the class.
- Ensure that treatment staff are aware of the expectations of the class and plan on how attendance and completion of the class will impact the case report written.

Selecting Staff

The choice of staff clearly will determine the degree of success accomplished by the class. Opening the position initially to volunteers may be one way of developing "buy-in." It would be expected that a teacher (or several) would be involved from the beginning in the group chosen to present recommendations to management about feasibility, scope, location, resources, cost, staffing and implementation. Perhaps that would accomplish your recruitment process for the first class teacher(s).

The following is a listing of some of the necessary skills teaching staff should possess.

- Assertive and confrontive, and able to assist offenders in getting to their own attitudes and beliefs regarding crime and victimization.
- Able to keep discussion on track, not being diverted so that the students move discussion away from serious subjects because they are uncomfortable, or do not know how to deal with their feelings and try to blame others for their behavior.
- Able to understand the conflicting attitudes of both offender and victim but not allowing students or themselves to rationalize or justify crime in any way.
- Practiced in using experiential learning (student participation) through written work, discussion, activities and exercises that facilitate learning in the classroom.
- Able to assist or direct students whose own victimization is disclosed or relived in the classroom, ensuring the student is appropriately referred to counseling staff. **THIS IS NOT A THERAPEUTIC MODEL BUT AN EDUCATIONAL MODEL.**

Organization Of The Handbook

The handbook becomes a living document in that it will change with the teachers, available victim presenters, departmental mandates, new and changing resources, etc. It therefore makes sense to have a loose leaf binder with dividers, index, etc. By having dividers and even course material (teacher's) on color coded paper, it is easier to identify sections of the book. Student material on white paper copies best.

- Staff Section: Organization and "how to's", how to speak for (on behalf of) the victim; planned and spontaneous learning; resources; audio/visual aids, references; and carry-over to the living unit.
- Course outline/class activities:
 - Pre-test (see Appendix G)
 - Victim awareness; victim rights; and crime statistics
 - Offense cycle (see Appendix H for class materials)
 - Property crimes
 - Domestic violence
 - Sexual assault
 - Child abuse
 - Armed robbery
 - Homicide
 - Drunk driving
 - Post-test
 - Final Exam/Evaluation (see Appendix G)
- Training for trainers:
 - residential (where student-teacher is immersed in subject for a given period of time [California does one week])
 - experiential (victim presenters, developing videos, searching the literature, preparing lesson plans, seeking new victim resources)
 - ongoing (yearly to avoid burnout, replace teachers lost to normal attrition)

Benefits

The most obvious and sought after benefit, of course, would be that offenders who have successfully completed the class have changed attitudes toward people. The ultimate goal is to reduce the number of victims and hold offenders accountable for their behavior. There are, however, natural side benefits that are serendipitous and of great value to student, victim, and staff.

- Victims and victim serving agencies have an opportunity to learn first-hand more about the correctional system.

- Victims are able to deal with their own issues in a safe and controlled environment, with offenders who have committed similar crimes, but who are not the ones who victimized them.
- There may be considerable offenders' disclosure of their own victimization, which often is a key factor in their attitudes and behavior.
- Offenders become more accountable for their own criminal behavior; they should not be allowed to ignore or rationalize it.
- By having a mix of students by offense, race, social and cultural backgrounds, they are able to break some stereotypes about crime and are unable to hide within their peer group and defend certain crimes as necessary to their survival on the street.
- Offenders may realize for the first time the extent of the impact of their crimes on their own families.
- Offenders often feel a real and immediate need to do something positive and atoning for victims. This can be anything from writing a letter to their victim, fund raising for local victim serving agencies, making gifts/toys for abused children, doing public service such as painting the building housing the local women's center, etc.

The Model

- **WHY** - The purpose of the class is to provide an educational experience for offenders that will inform, instruct and involve them in learning about the immediate and long term effects of all types of crimes on victims and their families.
- **WHO** - Both adult and youthful offenders can benefit from this class. The range of offenses is not as critical as the mix of the individuals. The class should represent the offender population, socially, ethnically, and culturally. The classroom must be a "safe" zone where gang rivalries are not allowed, where certain crimes and offenders are treated no "lighter" than others, thereby minimizing the effect of the crime on the victim. Recognize that homicide is horrifying, but all offenders have insulted and injured.

- **WHAT** - The class curriculum is a composite of lectures, personal presentations by local victims and victim serving agencies, video tapes from movies and television programs, newspaper and magazine articles. In short, anything that will allow the student to learn - audio, visual, verbal, written.
- **WHEN** - This class is designed to be used at any point in an offender's contact with the agency. Presently, a class is being developed in California that is intended to be used in the local high schools as a delinquency prevention effort. The class can be modified to use with a parole or probation case load as well. It was developed for the incarcerated individual initially, as that was the easiest audience to reach and the resources were available to prepare and present. The only limit is imagination!
- **WHERE** - Location depends upon audience, teacher, desired outcomes and resources. Ideally, a classroom in an existing school (institutional or community) would set the appropriate tone, as well as provide the tools of teaching (chalk board, VCR, desk/seats, etc.). Lacking that resource, the options can be a conference room in the building where the department is located (parole or probation). Local libraries often have meeting rooms available. Many funeral homes have meeting space (the funeral home director is an excellent presenter, as he/she has experienced the terror, despair, anger and grief of those who have lost a loved one to a murder, gang drive-by, or other death).
- **HOW** - As the commercial says "just do it!!!" Get administration "buy-in" first, use the materials presented in this manual, find some victim/volunteers who understand your concept, identify some offenders who want to be involved in a positive experience, and talk it up with both educators and treatment staff. Take the first step by deciding it is something that must be done, then organize a core group, plan, talk with others who have gone before you, get your materials together and voila! You have a class.

- **THEN** - Review the pre-test and post-test many have used to measure the learning of the student offender. Learn from what they have and have not retained. As a closure for the class, many teachers have developed graduation ceremonies, certificates, candlelight vigils, fundraisers, testimonial meetings, and barbecues. Do something that makes it a special event. Include your victim presenters, administrators, other staff, and hearing officers. Take pictures. Make it an occasion which will linger in the offender's memory as the culmination of an important life change event.
- **AND** - Give yourself lots of credit for working hard and providing perhaps the most useful tool an offender will receive in changing both attitude and behavior.

Care and caution should be used in selecting victims as participants in the class. A screening process should be established to ensure that victims are not revictimized by entry into a correctional facility. Victims' testimony and their emotional responses are important elements to the educational process; however, this should be done in a constructive manner.

Appendices

The appendices serves as an example of a limited amount of material taken directly from the workbooks/manuals currently being used by Ohio, Washington and California. Should you desire a complete workbook from any of those states, contact information is listed on page J-10.

The material covers the rationale for developing a class, the workbook table of contents, pre-tests and post-tests for students, lesson plans and some exercises. Developing and sharing your own materials is a challenging and exciting prospect. The media are rife with current examples of any aspect of crime you wish to use as class work. Good luck!

CURRICULUM OF "IMPACT OF CRIME ON VICTIMS" CLASSES

California Department of the Youth Authority

Attn: John Holland
Volunteer and Victim Services
4241 Williamsborough Drive
Sacramento, CA 95823
(916) 427-4860

California Department of Corrections

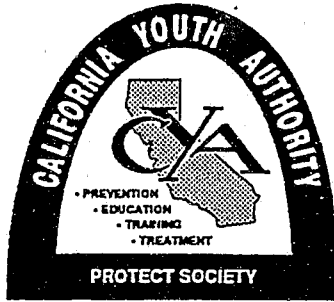
Attn: Sandi Menefee
Victims of Crime Services Coordinator
Special Projects Branch
P.O. Box 942883
Sacramento, CA 94283-0001
(916) 324-6737

Ohio, Buckeye Youth Center and Training

Center for Youth, Columbus
Attn: Sara Jane Rowland, Ph.D.
2280 West Broad Street
Columbus, Ohio 43223
(614) 275-0573

Washington Department of Corrections

Attn: William Stutz
Division of Community Corrections
P. O. Box 9699
Olympia, WA 98504
(206) 753-6211



IMPACT OF CRIME ON VICTIMS AWARENESS CLASSES

Fact Sheet

Purpose:

To expose youthful offenders to the long-range harm they cause their victims; to stress holding offenders accountable for their actions; to teach offenders better ways to handle conflict and violence in the hope that they won't reenact the patterns they have learned.

History:

In 1984, Impact of Crime on Victims classes were started by the Youth Authority at the Youth Training School in Chino. Currently, all 11 institutions and 4 camps have Impact classes. The course is usually for 6 weeks and covers the topics of property crime, sexual assault, domestic violence, child abuse, robbery, homicide, and victim rights. Guest speakers are a vital part of the course and may include actual crime victims or victim service providers such as representatives from MADD, Parents of Murdered Children, rape crisis and domestic violence centers, and victim witness programs. Thousands of wards have now completed the course.

Students:

All YA wards/inmates are eligible for the classes, which are voluntary. All offense categories are included. Individual confrontation does not occur. Participants receive academic credit for their work and a certificate of completion to present to the Youthful Offender Parole Board. A pre- and post-attitude test is given to measure knowledge gained. Prior history of their own abuse is not allowed as an excuse to hurt other people.

Course Recognition:

This is the first course of its kind and has been heralded as an innovative approach to working with

offenders. About 37 states have requested information regarding replication and, in particular, Ohio, Oregon, and Washington have developed more refined documents based on the YA's original workbook. The program was awarded the prestigious "Innovative Programs Award" by the National Victims Center in 1988; was the subject of a CNN special report and Time Magazine article in 1989; and was featured by 60 Minutes on January 19, 1992. It is cited in the American Correctional Association Task Force on Crime Victims as a model program and replication is part of a current Department of Justice Corrections and Victims grant.

The National Crime Prevention Council has awarded the YA a small grant to merge the material with their Teens, Crime and the Community curriculum. It was also cited as a model in the Governor's Commission on Educational Quality Report.

ABC network news is considering a story on the course and a new book on juvenile justice entitled "No Excuses: Accountability in the Treatment of Juveniles." A chapter on the course will be included.

Success:

Formal research has not taken place due to the trap of tying one program aspect to recidivism. Instead, success is measured by student learning, as documented by testing of knowledge and attitude, satisfaction voiced by victim guests, opinions by staff regarding ward behavior change, and overall attitudes by staff and wards on the course impact. Most offenders acknowledge that they never stopped to think about the victim. That recognition is success.

3/6/92

**INTRODUCTION
ACCOUNTABILITY**

ACCOUNTABILITY

It has long been hypothesized that violence breeds violence. It should not be surprising that much research indicates that a high percentage of spousal and child abusers were either physically or sexually abused as children. An individual who grows up in a family where child abuse is prevalent is more apt to be violent and commit violent criminal acts than an individual from a non-violent home. Several studies have demonstrated that violent criminal offenders had a very high incidence rate of child abuse and exposure to violence during childhood.

Glorification and acceptance of violence may lead to family aggression. If a child watches its parents resolve conflicts by resorting to violence, that person may be apt to use violence in resolving conflicts with social contacts unless the individual deals with the hurt and anger behind his/her cycle of violence.

Learning about the impact of crime on victims will help you to be aware of the never-ending trauma which victims of crime endure. This information will assist you in becoming accountable for your actions. It will help you to understand that whether one has been a victim of child abuse or any other of life's misfortunes, no one has the right to harm others. Every time a crime is committed, there is another person who has been violated and who is suffering. Even once the tears are gone, the victims' lives will be forever changed. Family and friends also become victims of crime. The information being made available to you will assist you in becoming more aware of the emotional, economic and physical suffering that is inflicted upon another human being as the result of criminal acts.

INTRODUCTION

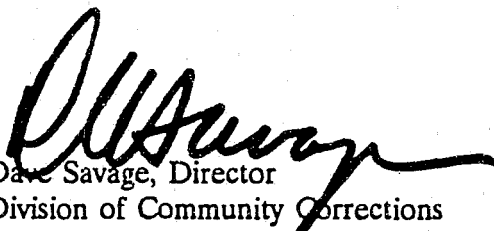
Crime leaves the lives of victims and co-victims shattered, confused and often threatened. Victimization is costly, not only in terms of the financial loss incurred, but also in terms of psychological and emotional trauma.

Offenders commit crimes for many reasons. More times than not, they fail to consider the impact their behavior has on their victim.

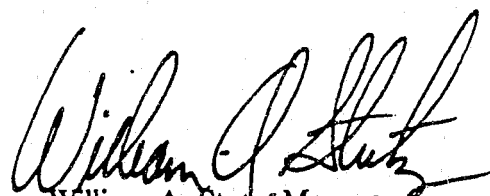
Until now, a major piece has been missing in the correctional programming offered to offenders in an attempt to re-integrate them into a productive stance in society. We hold offenders accountable and provide them with the opportunities to develop the skills and assist them in accepting this responsibility. Often, offenders have not been confronted with the impact their actions have on their victims and the trauma associated with victimization.

The Victim Awareness Educational Program developed through the Department's Victim/Witness Notification Program, in partnership with community organizations, victim advocates and crime victims, is an attempt to close the gap between criminal behavior and victimization. If the cycle of crime is to be broken offenders must understand the real impact of their crime and the system must work in close harmony and real partnership with victims. The Department of Corrections is committed to the development and implementation of an educational program directed at addressing this issue. The program will be piloted in the Department's two pre-release facilities, Tacoma and Eastern Washington Pre-Release. After the initial pilot period, it is the intent of replicating this educational model in the Department's prison facilities.

Many hours of staff time and commitment have gone into this project. Special recognition is owed to the California Youth Authority, as this program is modeled after a similar program adopted in California in 1985. We also want to recognize and thank the victim advocacy group - Families and Friends of Missing Persons and Violent Crime Victims - who has contributed endless hours and have worked in partnership with the Department in the development and implementation of this program. In addition, our thanks extend to the many other victim organizations who have, and will, contribute their time and efforts to assist in the teaching of this course. Without their involvement, the goals of this program could not be reached.



Dave Savage, Director
Division of Community Corrections



William A. Stutz, Manager
Victim/Witness Notification Program

October 1990

Victims of Crime in America

When I wanted to talk about my son, I soon found that murder is a taboo subject in our society. I found, to my surprise, that nice people apparently just don't get killed.—a victim's mother

To blame victims for crime is like analyzing the cause of World War II and asking, "What was Pearl Harbor doing in the Pacific, anyway?—a victim

Before you, the reader, can appreciate the necessity of changing the way victims are treated, you must confront the essential reality that almost all Americans, at some time in their lives, will be touched by crime. Among the most difficult obstacles are the myths that if people are wise, virtuous, and cautious, they will escape, and that those who are victimized are somehow responsible for their fate. These are pernicious falsehoods. First, for every person mugged on a dark street at 3 a.m., many more are terrorized in their homes, schools, offices, or on main thoroughfares in the light of day. Second, to adopt the attitude of victim culpability is to accept that citizens have lost the right to walk their streets safely regardless of the hour or locale; it is to abandon these times and places to be claimed as the hunting preserves of the lawless.

Violent crime honors no sanctuary. It strikes when least expected, often when the victim is doing the most commonplace things. Victims testified at hearings of the President's Task Force on Victims of Crime about these occurrences:

- As she walks across campus on her first afternoon at college, a young woman is murdered.
 - A pharmacist turns to wait on a customer and is confronted by a robber wearing a ski mask.
 - A child is molested by the driver of his school bus.
 - A man answers the front door and is shot in the chest.
 - As a mother shops in a department store, her child, looking at books an aisle away, is kidnapped.
 - Walking down the street at lunchtime, an elderly man is assaulted from behind and left permanently blind.
 - While a woman is leaving a shopping center someone jumps into her car; 5 hours of rape and torture follow.
-

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- An elderly woman's purse is snatched and she is thrown to the ground, suffering injuries that prevent her from walking again.
 - In the restroom of a hotel, a woman is raped by an attacker who is hiding in an adjoining stall.
 - A couple returning home from work opens the door to discover that the house has been ransacked.
 - A cabdriver, working in the afternoon, turns to collect a fare and is shot.

Based on the testimony of these and other victims, we have drawn a composite of a victim of crime in America today. This victim is every victim; she could be you or related to you.

II

You are a 50-year-old woman living alone. You are asleep one night when suddenly you awaken to find a man standing over you with a knife at your throat. As you start to scream, he beats and cuts you. He then rapes you. While you watch helplessly, he searches the house, taking your jewelry, other valuables, and money. He smashes furniture and windows in a display of senseless violence. His rampage ended, he rips out the telephone line, threatens you again, and disappears into the night.

At least, you have survived. Terrified, you rush to the first lighted house on the block. While you wait for the police, you pray that your attacker was bluffing when he said he'd return if you called them. Finally, what you expect to be help arrives.

The police ask questions, take notes, dust for fingerprints, make photographs. When you tell them you were raped, they take you to the hospital. Bleeding from cuts, your front teeth knocked out, bruised and in pain, you are told that your wounds are superficial, that rape itself is not considered an injury. Awaiting treatment, you sit alone for hours, suffering the stares of curious passersby. You feel dirty, bruised, disheveled, and abandoned. When your turn comes for examination, the intern seems irritated because he has been called out to treat you. While he treats you, he says that he hates to get involved in rape cases be-

If a totally innocent young man can be shot to death, if my son can die with no guilt or no blame, then your son can, too. Because this is unacceptable to people, they refuse to accept it.—a victim's father

He said, "Move or yell and I'll kill you." I didn't doubt his word.—a victim

cause he doesn't like going to court. He asks if you "knew the man you had sex with."

The nurse says she wouldn't be out alone at this time of night. It seems pointless to explain that the attacker broke into your house and had a knife. An officer says you must go through this process, then the hospital sends you a bill for the examination that the investigators insisted upon. They give you a box filled with test tubes and swabs and envelopes and tell you to hold onto it. They'll run some tests if they ever catch your rapist.

Finally, you get home somehow, in a cab you paid for and wearing a hospital gown because they took your clothes as evidence. Everything that the attacker touched seems soiled. You're afraid to be in your house alone. The one place where you were always safe, at home, is sanctuary no longer. You are afraid to remain, yet terrified to leave your home unprotected.

You didn't realize when you gave the police your name and address that it would be given to the press and to the defendant through the police reports. Your friends call to say they saw this information in the paper, your picture on television. You haven't yet absorbed what's happened to you when you get calls from insurance companies and firms that sell security devices. But these calls pale in comparison to the threats that come from the defendant and his friends.

You're astonished to discover that your attacker has been arrested, yet while in custody he has free and unmonitored access to a phone. He can threaten you from jail. The judge orders him not to annoy you, but when the phone calls are brought to his attention, the judge does nothing.

At least you can be assured that the man who attacked you is in custody, or so you think. No one tells you when he is released on his promise to come to court. No one ever asks you if you've been threatened. The judge is never told that the defendant said he'd kill you if you told or that he'd get even if he went to jail. Horrified, you ask how he got out after what he did. You're told the judge can't consider whether he'll be dangerous, only whether he'll come back to court. He's been accused and convicted before, but he always come to court; so he must be released.

At first, opening a drawer that had been emptied on that day started tears to flow.—a victim

Before my assailants left, they robbed us of all our grocery money and repeated their threat to kill me and my children if I reported them to the police.—a victim

One morning I woke up, looked out my bedroom window and saw the man who had assaulted me standing across the street staring at me. I thought he was in jail.—a victim

You learn only by accident that he's at large; this discovery comes when you turn a corner and confront him. He knows where you live. He's been there. Besides, your name and address were in the paper and in the reports he's seen. Now nowhere is safe. He watches you from across the street; he follows you on the bus. Will he come back in the night? What do you do? Give up your home? Lose your job? Assume a different name? Get your mail at the post office? Carry a weapon? Even if you wanted to, could you afford to do these things?

You try to return to normal. You don't want to talk about what happened, so you decide not to tell your co-workers about the attack. A few days go by and the police unexpectedly come to your place of work. They show their badges to the receptionist and ask to see you. They want you to look at some photographs, but they don't explain that to your co-workers. You try to explain later that you're the victim, not the accused.

The phone rings and the police want you to come to a line-up. It may be 1:00 a.m. or in the middle of your work day, but you have to go; the suspect and his lawyer are waiting. It will not be the last time you are forced to conform your life to their convenience. You appear at the police station and the line-up begins. The suspect's lawyer sits next to you, but he does not watch the stage; he stares at you. It will not be the last time you must endure his scrutiny.

III

You have lived through the crime and made it through the initial investigation. They've caught the man who harmed you, and he's been charged with armed burglary, robbery, and rape. Now he'll be tried. Now you expect justice.

You receive a subpoena for a preliminary hearing. No one tells you what it will involve, how long it will take, or how you should prepare. You assume that this is the only time you will have to appear. But you are only beginning your initiation in a system that will grind away at you for months, disrupt your life, affect your emotional stability, and certainly cost you money; it may cost you your job, and, for the dura-

It took me a long time to get my 8-year-old daughter to sleep that night, but finally I did. Later I got a call that the molester had been arrested, and that my daughter and I had to go down to a police line-up at 1:00 a.m. We did go, but it was very traumatic for her.—a victim's mother

I will never forget being raped, kidnapped, and robbed at gunpoint. However, my sense of disillusionment of the judicial system is many times more painful. I could not in good faith urge anyone to participate in this hellish process.—a victim

On February 5, I changed from a law-abiding citizen with a childlike belief in the justice system to a law-abiding citizen awakened to the reality of the world of crime, criminal rights, and the injustice for the victim. —a victim

Much of the fear and resentment felt by victims toward the courts is bound up in the unexplained mystery of our system. —Judge Marilyn Hall Patei

tion, will prevent you from putting the crime behind you and reconstructing your life.

Before the hearing, a defense investigator comes to talk to you. When he contacts you, he says he's "investigating your case," and that he "works for the county." You assume, as he intends you to, that he's from the police or the prosecutor's office. Only after you give him a statement do you discover that he works for the man who attacked you.

This same investigator may visit your neighbors and co-workers, asking questions about you. He discusses the case with them, always giving the defendant's side. Suddenly, some of the people who know you seem to be taking a different view of what happened to you and why.

It's the day of the hearing. You've never been to court before, never spoken in public. You're very nervous. You rush to arrive at 8 a.m. to talk to a prosecutor you've never met. You wait in a hallway with a number of other witnesses. It's now 8:45. Court starts at 9:00. No one has spoken to you. Finally, a man sticks his head out a door, calls out your name, and asks, "Are you the one who was raped?" You're aware of the stares as you stand and suddenly realize that this is the prosecutor, the person you expect will represent your interests.

You only speak to the prosecutor for a few minutes. You ask to read the statement you gave to the police but he says there isn't time. He asks you some questions that make you wonder if he's read it himself. He asks you other questions that make you wonder if he believes it.

The prosecutor tells you to sit on the bench outside the courtroom. Suddenly you see the man who raped you coming down the hall. No one has told you he would be here. He's with three friends. He points you out. They all laugh and jostle you a little as they pass. The defendant and two friends enter the courtroom: one friend sits on the bench across from you and stares. Suddenly, you feel abandoned, alone, afraid. Is this what it's like to come to court and seek justice?

You sit on that bench for an hour, then two. You don't see the prosecutor, he has disappeared into the courtroom. Finally, at noon he comes out and says, "Oh, you're still here? We continued that case to next month."

THEY repeat this process many times before you *ACTUALLY* testify at the preliminary hearing. Each time you go to court, you hire a babysitter or take leave from work, pay for parking, wait for hours, and finally are told to go home. No one ever asks if the new dates are convenient to you. You miss vacations and medical appointments. You use up sick leave and vacation days to make your court appearances. Your employer is losing his patience. Every time you are gone his business is disrupted. But you are fortunate. *If you were new at your job, or worked part-time, or didn't have an understanding boss, you could lose your job. Many victims do.*

The preliminary hearing was an event for which you were completely unprepared. You learn later than the defense is often harder on a victim at the preliminary hearing than during the trial. In trial, the defense attorney cannot risk alienating the jury. At this hearing, there is only the judge—and he certainly doesn't seem concerned about you. One of the first questions you are asked is where you live. You finally moved after your attack; you've seen the defendant and his friends, and you're terrified of having them know where you now live. When you explain that you'd be happy to give your old address, the judge says he'll dismiss the case or hold you in contempt of court if you don't answer the question. The prosecutor says nothing. During your testimony, you are also compelled to say where you work, how you get there, and what your schedule is.

Hours later you are released from the stand after reliving your attack in public, in intimate detail. You have been made to feel completely powerless. As you sat facing a smirking defendant and as you described his threats, you were accused of lying and inviting the "encounter." You have cried in front of these uncaring strangers. As you leave no one thanks you. When you get back to work they ask what took you so long.

You are stunned when you later learn that the defendant also raped five others; one victim was an 8-year-old girl. During her testimony she was asked to describe her attacker's anatomy. Spectators laughed when she said she did not understand the words being used. When she was asked to draw a picture of her attacker's genitalia the girl fled from the courtroom

It takes a lot of nerve to get up on the stand and testify against somebody who has a habit of shooting and stabbing people and then getting back on the street again, you know.—a victim

and ran sobbing to her mother, who had been subpoenaed by the defense and had to wait outside. The youngster was forced to sit alone and recount, as you did, each minute of the attack. You know how difficult it was for you to speak of these things; you cannot imagine how it was for a child.

Now the case is scheduled for trial. Again there are delays. When you call and ask to speak with the prosecutor, you are told the case has been reassigned. You tell your story in detail to five different prosecutors before the case is tried. Months go by and no one tells you what's happening. Periodically you are subpoenaed to appear. You leave your work, wait, and are finally told to go home.

Continuances are granted because the courts are filled, one of the lawyers is on another case, the judge has a meeting to attend or an early tennis match. You can't understand why they couldn't have discovered these problems before you came to court. When you ask if the next date could be set a week later so you can attend a family gathering out of state, you are told that the defendant has the right to a speedy trial. You stay home from the reunion and the case is continued.

The defense attorney continues to call. Will you change your story? Don't you want to drop the charges?

Time passes and you hear nothing. Your property is not returned. You learn that there are dozens of defense motions that can be filed before the trial. If denied, many of them can be appealed. Each motion, each court date means a new possibility for delay. If the defendant is out of custody and fails to come to court, nothing can happen until he is recaptured. If he is successful in avoiding recapture, the case may be so compromised by months or years of delay that a successful prosecution is impossible. For as long as the case drags on, your life is on hold. You don't want to start a new assignment at work or move to a new city because you know that at any time the round of court appearances may begin again. The wounds of your attack will never heal as long as you know that you will be asked to relive those horrible moments.

No one tells you anything about the progress of the case. You want to be involved, consulted, and in-

If we invested our money the way we ask victims to invest their time we'd all go broke.—Deborah Kelly

formed, but prosecutors often plea bargain without consulting victims. You're afraid someone will let the defendant plead guilty to a lesser charge and be sentenced to probation. You meet another victim at court who tells you that she and her family were kidnapped and her children molested. Even though the prosecutor assured her that he would not accept a plea bargain, after talking with the attorneys in his chambers, the judge allowed the defendant to plead as charged with the promise of a much-reduced sentence. You hope that this won't happen in your case.

IV

Finally the day of trial arrives. It is 18 months since you were attacked. You've been trying for a week to prepare yourself. It is painful to dredge up the terror again, but you know that the outcome depends on you; the prosecutor has told you that the way you behave will make or break the case. You can't get too angry on the stand because then the jury might not like you. You can't break down and sob because then you will appear too emotional, possibly unstable. In addition to the tremendous pressure of having to relive the horrible details of the crime, you're expected to be an actress as well.

You go to court. The continuances are over; the jury has been selected. You sit in a waiting room with the defendant's family and friends. Again you feel threatened, vulnerable, and alone.

You expect the trial to be a search for the truth; you find that it is a performance orchestrated by lawyers and the judge, with the jury hearing only half the facts. The defendant was found with your watch in his pocket. The judge has suppressed this evidence because the officer who arrested him didn't have a warrant.

Your character is an open subject of discussion and innuendo. The defense is allowed to question you on incidents going back to your childhood. The jury is never told that the defendant has two prior convictions for the same offense and has been to prison three times for other crimes. You sought help from a counselor to deal with the shattering effect of this crime on your life. You told him about your intimate

Why didn't anyone consult me? I was the one who was kidnapped, not the State of Virginia.—a victim

It is almost impossible to walk into a courtroom and describe in detail the thing you most want to forget. It is also devastating to have to face your assailant. Although you are surrounded by people and deputies of the court, the fear is still overwhelming.—a victim

To be a victim at the hands of the criminal is an unforgettable nightmare. But to then become a victim at the hands of the criminal justice system is an unforgivable travesty. It makes the criminal and the criminal justice system partners in crime.—Robert Grayson

sentencing. You ask permission to address the judge and are told that you are not allowed to do so.

The judge sentences your attacker to three years in prison, less than one year for every hour he kept you in pain and terror. That seems very lenient to you. Only later do you discover that he'll probably serve less than half of his actual sentence in prison because of good-time and work-time credits that are given to him immediately. The man who broke into your home, threatened to slit your throat with a knife, and raped, beat, and robbed you will be out of custody in less than 18 months. You are not told when he will actually be released, and you are not allowed to attend the parole release hearing anyway.

The man who strangled my daughter to death will only serve four years.—a victim's father

VI

For this victim the ordeal of the trial is over, but the ordeal of being a victim is far from over; it continues with unrelenting pressure. The consequences for the victim described in this essay were found by the Task Force to be very real and very commonplace. Even at the point of conviction of the defendant, the system can place new burdens on the victim: if the defendant wins an appeal, the victim may have to go through the trial process all over again. There might have been more than one defendant, or one might have been a juvenile. This would have meant two or three trials, two or three times as many court appearances and hours of cross-examination, double or triple the harassment. There might have been two or three law enforcement agencies involved in the case who did not cooperate with each other. The defendant's every right has been protected, and now he serves his time in a public facility, receiving education at public expense. In a few months his sentence will have run. Victims receive sentences too: their sentences may be life long.

If you were the victim, you may now be crippled or blind as a result of brutality. You may have lost a limb and may have to undergo surgery repeatedly to repair the body your attacker nearly destroyed. You were active, healthy, full of life; now you may be dependent and destitute.

The economic impact on you can be devastating. You may have been hospitalized and unable to return

I'm a senior citizen but I never considered myself old. I was active, independent. Now I live in a nursing home and sit in a wheelchair. The day I was mugged was the day I began to die.—a victim

to work for months, if ever. You may have used all your sick leave and vacation. You may need braces, a wheelchair, a ramp to get into your home, a hearing aid, or a special bed. You may not be able to afford them, because you may well be in debt. You may have lost what it took you years to build. You may have lost what you treasured most—the locket with your mother's picture that can never be replaced. Your business may be bankrupt, or you may have run through your savings. Your once excellent credit rating may now be gone.

You may have to leave your home. If you can not leave, you may no longer feel safe there; you may no longer be able to sleep in the room where you were raped. Every time you open your door you may feel anew the sense of invasion.

Being a crime victim adds a new dimension to the definition of self.—Morton Bard

The psychological scars are perhaps the hardest to bear. These are the hardships that those untouched by crime find the most difficult to understand. Before the crime you felt reasonably safe and secure; the world is now a violent and deadly place to you. It seems you must either accept guilt for what happened to you or condemn yourself to the realization that you have no control. Everything seems to reinforce these feelings of inadequacy. Doctors dictate part of your days; lawyers and creditors dominate the rest. You may sleep badly, eat poorly, be continually afraid, depressed, ill. The most mundane occurrences make you flash back to the crime. Before the crime you were bright, attractive, talented, competent; now you may feel as though you are none of these. The criminal has taken from you your sense of security, your sense of humor, your sense of self. You are fearful and you are angry.

The general feeling of being a living victim or victim-survivor is one of an outcast. Ostracized from society, forgotten by family, friends, fellow workers. No one, or very few, bring the subject up.—a victim

You may well be isolated in your anguish. You can't believe that this could happen to you. Others want to believe that the aftermath is not as bad as you claim. If it should happen to them, they could handle it better, be stronger, recover sooner. You have become a shadow of their own vulnerability. They must deny you. So they tell you that your anger, your desire for justice, your suspicion and fear are unreasonable. But when you are beaten and robbed, your home destroyed, or your husband or child murdered, who has standing to label your anger irrational?

Many people can accept tragedy that comes through natural disaster or accident, but you know that your victimization was intentional. They say that by now you should be back to normal. But they don't have to see your scars in the mirror every morning. The court system doesn't call them once a month for years to dredge it all up again.

Having survived all this, you reflect on how you and your victimizer are treated by the system that is called justice. You are aware of inequities that are more than merely procedural. During trial and after sentencing the defendant had a free lawyer; he was fed and housed; given physical and psychiatric treatment, job training, education, support for his family, counsel on appeal. Although you do not oppose any of these safeguards, you realize that you have helped to pay for all these benefits for the criminal. Now, in addition and by yourself, you must try to repair all that his crime has destroyed; and what you cannot repair, you must endure.

A family that was once happy and close-knit all of a sudden is no longer complete.— a victim

How can the system have gotten this far away from what it is supposed to be?—a victim

Victim Awareness Education Is Basic To Offender Programming A Model Course

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Youth service workers have missed the boat. And it's not their fault. Until recently, most of those staff had never considered the injury which offenders had caused, let alone taught them about what happens to crime victims and their families. This material describes a California Youth Authority (CYA)¹ program to teach young felons about the impact of crime on victims and, hopefully, to change their values about the rights of others.

The current interest in developing an "accountability model" for youthful offenders usually involves the design of a conceptual framework into which practitioners fit measurable offender activities, such as performing community service, collecting restitution, and charging fees for services. The Youth Authority found, however, that young offenders don't understand the "conceptual framework" and oftentimes were heard to complain about the seizure (as they saw it) of their limited assets for "some victim" or for the restitution fund. With this in mind, the CYA's accountability model was revised to include activities that would provide a better understanding by the youth and the staff working with them, regarding victimization. The education process was chosen as the vehicle for that information.

How do we change the lives of delinquent youth who have long ago learned the negative lessons of hitting, hurting, and hating? Most youth have not been confronted with the results of their behavior and have not given any thought to

¹ The CYA is a department within the state prison agency and houses offenders between the ages of 14-25. As of February, 1989, the in-custody population is about 9000 and over 5000 are on parole.

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how their victim suffered or how he or she had life-changing experiences. A full-service youth program must address what an offender has done just as vigorously as it addresses what they need (for example; schooling, training, and counseling).

To hold an offender accountable is merely rhetoric, however, without providing opportunities for them to develop responsibility. We must implement programs where victim issues are studied, work for wages is available, and restitution is collected. Further, community service and fund raising for victim services helps raise the awareness of offenders to the plight of victims and shows them how victims can be helped.

How youthful offenders act, treat others, and see themselves is key to their becoming law-abiding citizens. Teaching them about victim rights, raising their awareness about the longer term effects of crime, and offering them ways to show they can be accountable are at the heart of programming.

Victimization. If asked to define this word in terms of the correctional world, most people would probably describe the experiences of a victim they know, or they would want to discuss the abuse histories of troubled kids. However, victimization is a far broader concept and is reality in working with delinquent youth. Victimization permeates everything that is done in correctional programs or activities. How offenders treat each other in the living units, how they get along with their family members, how they interact on the job, how they will raise their own children, and how they see themselves all reflect attitudes about power over, and intimidation of others. For the staff, victimization, or the threat of victimization, impacts how they work with young people and how well they live their lives.

Victimization is central to at least three identified core areas. These are Treatment/Counseling, Group Living, and Education.

- Treatment/Counseling involves good casework dealing with problem resolution. Victimization of others, and the all-to-often "cycle of violence," they have learned, is central to counseling. Many treatment/counseling activities list goals and objectives regarding understanding behavior, accepting responsibility, and making good decisions. Victim awareness is basic to each of those areas.
- Group Living must focus on how residents get along with and treat each other. The issues of victimization in the form of power, intimidation, and respect for the rights and property of others are key to maintaining a productive residential environment.

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- Education entails more than just learning facts and figures. Education must teach offenders how to live better, and how to survive without hurting other people. Here again, victimization is key to adjustment. You can be a welder, but if you don't know how to get along with your co-workers, your job will be short-lived. You might be able to read a newspaper, but if you beat up your girlfriend, you will read that paper in jail.

Victimization also goes to the heart of values. A course on the impact of crime on victims addresses right and wrong. Basic values regarding the rights of people and how every person should be treated cannot be debated. However, for many delinquent youth, this basic education was never taught, and non-violent behavior was never expected. In fact, in many of the families from which delinquents come, criminal and hurtful actions are expected. The following course addresses values--values which this society has come to believe are right.

IMPACT OF CRIME ON VICTIMS GUIDELINES FOR AN EDUCATIONAL MODEL

The Impact of Crime on Victims classes at the CYA have been conducted since 1985 when they were piloted at the Youth Training School (YTS) in Chino, California. YTS is the most secure facility of the CYA, and houses male felons between 17-25 years of age. The Impact of Crime project was tested with the most difficult offenders and with those having the most serious crime histories. Since that time, the classes have been expanded to all 17 institutions and camps operated by the CYA.

No new funds were allocated for the classes, but resources were redirected. Redirected means that budgeted education funds were reassigned to conduct this class, instead of another course. This course, however, includes a number of the other educational activities such as analyzing problems, spelling, writing, and reading. The difference is the subject of the materials.

The following sections will describe the course, provide organizational information, give examples of the curriculum, and offer some practical tips and cautions.

Course Description

The objectives for the students of the Impact course are to:

- Explore how they view the rights of other people.
- Raise their awareness of the long-term impact of their actions.

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- Recognize their own possible victimization as children and how that abuse might impact them today.
- Provide opportunities to help them become non-abusive parents, and good spouses/partners.
- Discuss their tendency to depersonalize the people they injure.
- Consider how they are accountable for the crimes they have committed.

Subjects taught in a victim awareness class should span a range of crimes, including property offenses, domestic violence, sexual assault, homicide, robbery, child abuse, and victims rights. In these classes, offenders should not be separated by offense type, since the goal is for all offenders to learn about the far-reaching effects of crime.

The course must be experiential with a variety of activities, including the use of visual aids such as videos with study guides, television newscasts or programs, guest speakers, notebooks with articles, scenarios and exercises, and role-playing opportunities. Of these activities, visits by actual victims prove to be the most important experience. Nothing can replace or substitute for hearing from a parent who's child was killed, or a burglary victim who is still afraid to be in his own home.

The only substitute for an actual victim could be a victim services advocate who has worked with several victims, and who can relate the stories of the people he or she has helped. Most people do not have the slightest idea about the tragedies of crime or the related financial and emotional costs. Consider this example: The fiancée of a bride-to-be is stabbed to death just weeks before their marriage, and all deposits for the wedding and celebration are non-refundable. Besides that, the young woman has no rights as a victim, since she is not the "next of kin."

This type of real-life story can make more of an impact on a delinquent youth than do the horrible, sensational stories which even habitual offenders find repulsive. For that reason, instructors in this course should use everyday news stories on television, and in the newspapers, to give material involving ordinary people.

Another good exercise is to have the offender assess and write about what he or she thinks they owe to their victim, or what they feel they would be owed if they were the victim of their offense.

How To Organize a Course

This course can be replicated in any classroom or group living/meeting situation. If there are resources for educational services or counseling sessions, this material can be used as a substitute for what is being used currently. For example, in the math class percentages can be taught by using crime statistics instead of apples and oranges. For spelling, students can learn to spell restitution instead of refrigerator.

Because of increased attention on the rights of victims, local community guest speakers will probably be available on most of the topics. A little exploring will reveal the existence of many victim services and self-help advocacy group activities, even in rural areas. It is suggested that the class organizer check first with local police departments, child protective services, probation departments, district attorney's offices, and any state coordinating agencies for information regarding victim services. Also, the national headquarters of the major victim serving organizations usually know of local chapters.

The general topics included in the model course curriculum can be broken down into more specific ones: Impact of shoplifting on businesses, homicide or injury from drunk driving, elderly victims as high risk, and gang violence as a neighborhood issue. The topics give great flexibility, and offer the group the opportunity to discuss victims, offenders, and prevention or intervention (e.g., ways to discipline children without injuring them, or how to be of assistance when someone you know is a victim).

Offenders need to hear from self-help victim advocacy groups. They need to know why and how these organizations came about; and as an added benefit, the advocacy programs can learn from seeing the inside operation of the correctional system. Although many groups may not be open to any mention of "rehabilitation," many others are anxious to help in preventing future crimes and to let offenders know the devastating impact of crime. The course purpose is to personalize crime, and direct contact with victims will help that to happen.

Instructor/Facilitator Selection

The Instructor/Facilitator must be able to:

1. Confront delinquent youth, regarding their attitudes and beliefs, in an assertive manner which encourages maximum self-examination and minimizes defensiveness.

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2. Understand the conflicting attitudes of both offenders and victims.
3. Use experiential (student participation) teaching techniques to facilitate offender learning in the classroom.

THIS MATERIAL SHOULD NOT BE TAKEN LIGHTLY. On some topics such as rape or child assault, offenders may relive past traumas. Staff responsible for this course may need to alert the living unit staff or other counseling support personnel to help an offender work through those revelations and/or anxieties. The instructor/facilitator should also have considerable training and experience in teaching in a residential setting. Delinquent youth are often skilled in turning a discussion away from serious subjects and toward blaming others for their behavior. Staff involved in this course will need special skills and training to keep the discussion on target.

Course Start-up Considerations and Cautions

- This course is NOT therapy! It is an EDUCATIONAL model.
- Personal histories (i.e., a student's own child abuse) should not be confronted or required for discussion. A discussion of discipline methods is appropriate, however, and the child abuse section should focus on future parenting skills.
- Visual aides, such as comic books, television programs, films, pictures of victims, newspaper articles, and magazines which describe violence are excellent teaching tools. But be careful not to use any pornographic material.
- When actual victims are invited to speak to the offenders, they must be carefully briefed prior to the class and debriefed afterward. Those briefings should review the course purpose, reassure the victim that they will not be harmed, and describe emergency procedures. Follow-up and feedback are also necessary in maintaining these important program resources. During the session, be sure the class does not become confrontational. Both victims and offenders must be protected, and instructors must not allow the victims to be re-victimized.

The Instructor/Facilitator must:

- Be trained by victim services advocates. Do not attempt to teach this course without advanced preparation.
- Stay on target with victims of crime issues. This is not a course on the general causes of delinquency, nor is it a course on other offender needs such as housing, employment, or gangs. There are other

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courses, services, and employees who are responsible for those issues. It is often too easy for offenders or staff to focus on the many other societal problems, and neglect the personal responsibility of each individual for his or her situation.

- Stay on target with victims of crime issues. This is not a course on philosophy (i.e., are fish victims), and is not a course on the holocaust or natural disasters (i.e., victims of hurricanes).

Topic Examples and Ideas

PROPERTY CRIMES

Property Crimes focuses on auto theft, burglary, and shoplifting. In this section ample use of news articles should be used, in addition to scenarios where the student must determine the actual loss. Also discuss the practical and emotional implications of the crime. One easy exercise is to provide the description of a routine auto theft or burglary, and then have the students decipher an insurance policy to determine the claim requirements.

The sense of security loss and the invasion of privacy that burglary victims experience is an integral part of this section. It is also important to cover the feelings which victims have about losing material goods, especially those which are irreplaceable or have sentimental value such as destroyed photographs or jewelry from deceased relatives.

Questions for an auto theft/burglary scenario

- Who is the victim in an auto theft? Emphasize the other victims, such as family members who will not have transportation; redirection of savings for a new car or for repairs; lost work time for employees and employers; increases in insurance rates for everyone.
- What do we mean when we refer to a victim as being deserving or undeserving? Focus the discussion on common delinquent opinions that if a window is left open, burglary should be expected; keys in a car is "asking for it;" businesses expect to have shoplifting.
- How does law enforcement and insurance help a victim of auto theft?
- Discuss what you think it might feel like to be an elderly person who has been burglarized.

Vocabulary words

irreplaceable
deductible

burglary
home

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ROBBERY

This section focuses on the victim's reaction to being robbed, and how this experience can be life changing. Robbery can cause fearfulness of all strangers, job or career switches if the offense took place at a business, and the altering of life habits or patterns; for example avoiding certain stores or staying home excessively. The section also focuses on what offenders think robbery victims should do to help prevent injury during the offense.

A robbery scenario

Joe is 24 years old and works at a small convenience store. He usually works alone, and he works past midnight. One night, a man comes into the store, pulls a gun while Joe is at the cash register, and demands all of the money. The assailant threatens to shoot him if he does not hurry or if he sets off an alarm. After Joe gives him the money, he is ordered to lie face down on the floor and to not move for 10 minutes.

- Should Joe stay on the floor for 10 minutes?
- Do you think Joe's life was in any real danger?
- If you were Joe, would you be afraid to go back to work?
- If Joe had been injured or killed, who would pay his medical or funeral bills?

Vocabulary words

fear
restitution

victim compensation
guilt

DOMESTIC VIOLENCE

Many youthful offenders come from violent homes and have had parents who were negative role models. This section should focus on teaching new ways of handling anger, emotions, and relationships. The materials and case examples center on the battering cycle and how important a good marriage or friendship is to success in life.

There are many materials available through local domestic violence shelters and advocacy programs which are helpful in leading class discussions. Examples include profiles of batterers, exercises about the myths and realities of violence in the home, and activities where assertive, passive, and aggressive behaviors are practiced.

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A domestic violence scenario

Juanita and Jose have been married for five years and have one child. Juanita does not work outside the home. Jose started beating Juanita when she was pregnant. She says that Jose is a good father and works hard, and that he only hits her when he drinks or when she does something wrong.

- Should Juanita stay with Jose?
- Should Juanita tell someone what is going on? Who?
- What could Juanita do wrong that would make it okay for Jose to hit her?
- How will their child be affected by the violence?
- How would you help someone you know who is being beaten by their spouse or partner?

Vocabulary words

domestic violence
assertive
conditional love

dominance
jealousy
equality

SEXUAL ASSAULT

This topic may be the most difficult to teach and yet may generate the most interesting discussions. Many offenders have distorted views of sexual relationships and of women in general. This subject offers the opportunity to learn about the trauma of sexual assault, and may open the way for offenders to begin dealing with their own possible sexual victimization. The discussion should cover both rape and acquaintance or date rape.

It is very important that this subject not involve victims who do not have a support person with them. This is not a confrontational model and neither the offender nor the victim should be allowed to confront the other.

The activities and discussions should focus on helping the offenders learn about the rights and feelings of their partner, and how important healthy sexual relationships are to being a responsible adult. Also, the materials should help the offenders learn about the reactions of rape victims, both male and female, and to help them should they know a rape victim or should they become a victim themselves.

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A sexual assault scenario

Bill and Jennifer have been dating off and on for two years. During these two years, they have had sex several times. Bill expects to take Jennifer to the movies and then go back to his house to spend the rest of the evening. Bill expects Jennifer to have sex with him.

At the end of the evening, Jennifer thanks Bill for taking her to the movies and asks to be taken home. Bill becomes angry and tells her that he wants her to go home with him. Jennifer says she will go to Bill's house for a little while. When they get to Bill's house, he begins kissing and hugging Jennifer. She tells him to stop. Bill continues and a struggle begins. Jennifer hits Bill during the struggle and he becomes very mad. He strikes her and tells her that she is going to get what she deserves. He then rapes her.

After the rape, he feels bad. He tells Jennifer that he is sorry and that he doesn't know what got into him. He begs her not to call the police and offers to take her home. He is crying.

- Should Jennifer call the police? If not, why not?
- Should Jennifer forgive Bill and forget it?
- Should Jennifer let Bill drive her home now?
- Did Jennifer do anything wrong?
- If you were the police officer, what questions would you ask?

Vocabulary words

rape trauma syndrome
date rape

possessive
vulnerability

CHILD ABUSE

Many youthful offenders are the products of child abuse, either as the victims of the abuse or as observers of abuse against their siblings. This early history, coupled with the troubled lives they have led, raises a question about how they will become good parents. If the cycle of violence is learned, young offenders then need to be taught new skills to replace those they experienced in their own homes.

This segment should focus on the trauma of child abuse victims, and on better ways to discipline children. It should also include material on alcohol and drug abuse by pregnant women, with emphasis on the importance of prenatal care

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for the healthy development of babies. It is vital that both male and female offenders study this section with considerable attention given to the role and responsibility of fathers.

Child abuse activity

After providing the class with materials from local child abuse programs about abusive parents and the types of abuse children suffer, questions such as the following will elicit lively discussion and debate:

- What is stress and what does it have to do with abuse?
- What are the types of child abuse?
- What is child endangering?
- List four examples of children who may be targets of abuse.
- Write a paragraph discussing the reasons kids will not tell someone they are being abused.
- How does alcohol and drug use hurt a fetus?
- What would you do if you knew a child was being abused?

Vocabulary words

neglect
shaken infant syndrome
fetal alcohol syndrome

latch-key
emotional abuse
discipline

HOMICIDE

This section should focus on the cycles of grief, and on how homicide is different from natural or accidental death. Few youth think about the impact of death on a family, and the families of slain victims are an integral part of this segment. Volunteers from self-help and support groups, such as Parents of Murdered Children and Mothers Against Drunk Driving, must be included.

Homicide activity

Using materials obtained from a local mortician, have the students plan a funeral. The plan should include all of the details, such as notifying family members, working with the police to obtain the victim's personal belongings, and purchasing the casket, flowers, and grave. Following that part of the exercise, an additional assignment would be to explore the ongoing stress of attending court hearings, being a witness at the trial, responding to accusations by defense attorneys or the media that the victim "deserved to die" or somehow contributed to the crime, and the stress of enduring the lengthy court process, making an

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impact statement, and then re-living the event when the offender is released on parole.

Homicide exercise

After reviewing materials about grief, discuss the following questions:

- How is death by murder different than death from sickness or from old age?
- Why do the victim's survivors join support groups?
- What should happen to someone who kills another person in a drunk driving crash?
- Why does MADD use the word crash instead of accident?
- Who would help your family if you were killed?

Vocabulary words

grief
adjustment

recovery
responsibility

MEASURING SUCCESS

A simple pre/post attitude survey instrument has been developed to measure the information gained and values changed regarding the rights of victims. The instructor is cautioned, however, to not evaluate the class success in terms of recidivism. This one effort is part of a larger correctional program and should not be measured separately from the regular education, counseling, and job preparation components.

CONCLUSION

Implementation of the Impact of Crime on Victims classes has had positive results far beyond what the originators had planned. For the youthful offenders, they verbalize a new awareness about their behavior, new acknowledgement of their responsibilities, and in many cases, remorse. Many have apologized for the injury they have caused, and others have voluntarily donated their earnings to pay back their victims.

For the institutional staff, the classes have provided in-house training on victimization. Many recognize their own professional isolation and now feel they have a broader view of the justice system. Staff have often thought that not enough was being done to change the values of offenders, and this program provides them with a new way to work with youth.

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For the victim services providers, large numbers of victim advocates now have a better understanding of the correctional system, and they value the partnership this type of program offers. All participants believe that changing the values and behavior of offenders is the only true crime prevention.

And for the victims of youthful offenders, many are beginning to know they can have a voice in the programs and policies of correctional services. That access is important to their recovery, and is basic to having a more complete justice system.

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VICTIM AWARENESS
Introduction

Rationale

The Department of Youth Services is mandated to confine juvenile felony offenders in safe, secure, industrious, and humane environments. It is responsible for promoting and operating effective programs to work toward the successful reintegration of offenders back into the community. While attempting to intervene and mediate or remediate individual problems, habilitation or rehabilitation is not successful if we return youth to the community and they re-offend because they have not developed respect; for other people's rights, bodies, or property; for the law; or they have not developed a responsible/accountable approach to daily living.

Juvenile offenders are locked up because they have chosen to break the law and/or have failed to respond to pre-institution attempts to deal with their law breaking. They have chosen irresponsible and/or criminal thinking and behavior rather than responsible and accountable thinking and behavior. While acknowledging that many of these juveniles have themselves been victims and their victimization needs to be dealt with, there is no substantial body of research to support the idea that being victimized automatically leads to being a victimizer. To the contrary, the opposite is probably more true, that most victims do not become victimizers.

Some people believe the client of the corrections setting is the community, its people, and the victims created by crime. It is the position taken here that the institution must focus on the individuals it houses and their problems, however, it must also be an active center of the social order where staff model appropriate behavior and represent the voice of the victims. It must be a place where delinquent youth as they move to a position of more accountability and responsibility, focus on victim awareness: victim empathy, victim issues, and the thinking errors (irresponsible thinking) involved in viewing themselves, their behavior, and their victims.

Victim awareness enables youth to take a good look at the psychological, social, financial, and daily living problems faced by their victims and the victim's thoughts and feelings about their victimization, as well as the chain-of-injuries involved in their victimization. It can be presented as a psychoeducational unit or psychoeducational units but,

if it is to be effective, victim awareness must be integrated into all aspects of institutional living and programming and must include a focus on the interrelationship of the victim/victimizer. Where possible, victim awareness programs must use victim input through newspaper/magazine articles, letters from victims, tapes of victims, and personal contact with victims to increase the impact on the victimizers.

Victim awareness issues must be a part of daily living from the day a youth enters the institution, formally and informally, in planned and unplanned ways. Formal and planned experiences involve structured or directed classes, activities, tasks, and discussions based on prescribed topics and materials. They include integration of victim awareness tasks into programs and treatment goals. Informal and unplanned experiences evolve "from the moment" or from "teachable moments" and involve not only events occurring before institutionalization but also those happening during institutionalization.

A comprehensive program then, is integrated into all aspects of institution living, programming, and treatment goals. It includes an introduction while in orientation, completion of the psychoeducational unit and additional intensive work for select youth on their living unit.

Goals

The goals of victim awareness are to help delinquent youth:

1. Develop an understanding of and acceptance of their victimizing (hurtful) behavior and its effect upon their victims, including significant others and themselves.
2. Develop an understanding and acceptance of victims rights.
3. Explore how they see people.
4. Raise their awareness of the long-term impact of their actions.
5. Recognize their early victimization where appropriate.

6. Understand, accept, and change their tendency to depersonalize (make objects of) the people they injure (3-6 courtesy CYA, California Youth Authority)
7. Become non-offending, non-abusive, responsible, accountable, productive young people and adults.
8. Develop empathy for other people, that is, to learn to put themselves in the place of others.
9. Understand and begin to change thinking errors associated with victims and victimizing behavior.
10. Understand and avoid victimizing behavior in the institution.

Program Objectives

To develop a comprehensive program to integrate victim awareness into the institution with a two-pronged attack:

- a. Formal, planned experiences operationalized as a psychoeducational unit(s) since, "an educational model effectively enables clients to take a comprehensive look at the psychological, physical, social and financial problems faced by victims..." (CYA) as well as daily living problems they incur.
- b. A manual of formal and informal, planned and unplanned experiences expected to occur "from the moment", from "teachable moments" or when being the "voice of the victim" operationalized in ways to approach these moments and to integrate them into daily living, treatment goals and programs, and generalizable to the unexpected.

Framework-Staff Manual

- I. Staff Section
 - a. Victim Awareness - Introduction
 - b. Organization and How To
 - c. On Being The Voice Of The Victim
 - d. Moments and Teachable Moments
- II. Youth - Orientation
 1. Pre - Assessment
 2. Victim Awareness - What Is It?
 3. Victimized Behavior in the Institution
 4. Thinking Errors and Victim Awareness
 5. Irresponsible Thinking/Behavior Worksheet
 6. Word Search
 7. Guidelines for Life History
 8. Delinquent Behavior Checklist

- III. Youth - Group
 - 1. Victimizing Behavior in the Institution
 - 2. Thinking Errors Categories

- IV. Victim Awareness Class - Introduction
 - 1. Victim Awareness - What Is It?
 - 2. Victim's Rights
 - 3. Overview of Crime and Victimization
 - 4. Word Search
 - 5. Victim Awareness and Youth
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 - 7. Offense Cycle

- V. Property Offenses

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**IMPACT OF CRIME ON VICTIMS
INMATE HANDBOOK**

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INTRODUCTION
LESSON PLAN OVERVIEW

VICTIM AWARENESS LESSON PLAN

Title: Particular type of crime being addressed

Lesson Plan Goals:

The Impact of Crime on Victims Handbook is designed for use in these different areas: education, self-help groups, pre-release programs, etc. The goals of this Handbook and each lesson plan are to: 1) develop in the inmate a sensitivity about his/her impact on the victim, the victim's family, close friends and on the community; 2) increase inmate awareness about the cause and effect of his/her actions; 3) develop respect for the rights of others; and 4) teach the inmate to become accountable for his/her actions so as to break the cycle of crime victimization or violence against others.

Areas to be Addressed:

The order of the different types of crime was selected to begin with the least sensitive areas first in order to build rapport and openness with inmates and to establish an adequate understanding before entering into more sensitive areas. To place emphasis on accountability throughout the handbook and to ensure the focus does not stray from the impact of crime on victims, an accountability statement has been placed at the beginning of every section. Although the lesson being taught may be crime specific, e.g., sexual assault, property crime, etc., there are certain underlying themes that pertain to all offenders that also need to be discussed.

Evaluation/Personal Resource Book Entry:

Homework assignments will be given. Inmates will place their homework responses in a personal resource book. The journal will be confidential between inmates and their instructors and will be used to evaluate inmate attitudes toward the area being addressed.

Resources:

The resources needed for effective dissemination of the material should include: 1) specialized training by the Special Projects Branch Victim Services Program staff and/or local community-based victim service providers for staff selected to teach the lesson; 2) a classroom lecture hall; 3) television and VCR equipment; 4) video's listed in the index which are available from Special Projects Branch, and; 5) utilize the community-based victim service agencies resource list in the index to gather guest

INTRODUCTION
LESSON PLAN OVERVIEW

speakers to share their expertise in each discussion area. The local Victim/Witness Assistance Center is an excellent place to begin.

Teaching Guide and Method of Instruction:

Instructors will receive victim awareness training so that they too will be sensitized to and knowledgeable of the effect of crime on the victim. Training will provide instructors with examples of the impact of specific crimes on the victim, the victim's family, friends, and on the community. Inmate participation is greatly encouraged with each lesson plan, and the use of videos and guest speakers from professional victim service agencies is essential. Inmates will participate in exercises on the effects of selected crimes on the victim. The aim is to begin to make the inmate more sensitive about the impact of his/her actions on the victim. Utilization of these methods will help meet the goals and objectives.

The information in the handbook has been broken down into the following categories to assist instructors in teaching the material:

o **Lesson Plan:**

This is a guide to assist instructors in teaching specific lesson areas throughout the handbook. The pre and post test in each lesson area is a test to be given to class members at the beginning and end of each section during class time. The answers are to be entered in the personal resource book and given to the instructor.

o **Accountability:**

Inmate accountability is to be stressed throughout the handbook. To assist instructors to accomplish this goal, an accountability statement has been placed in the beginning of each section. This statement is to be presented to class members at the beginning of each section and used as a method of setting goals and expectations for learning in each section.

o **Text:**

Text material is designed to assist class members to be better prepared to understand the concepts being discussed in class. Information is to be read by class members outside of class and then taught to class members by the instructor. A group

**INTRODUCTION
LESSON PLAN OVERVIEW**

discussion, lead by the instructor, may be conducted after the material is presented.

o Written Exercise:

Written exercises are designed to better able class members to comprehend and integrate the material being discussed. The instructor is to assist class members through the written exercise. Once the exercise is completed, the instructor will lead a group discussion about the topic.

o Case Example:

Case examples are descriptions of crime scenarios, including victims reactions, and are used to assist class members to better understand the impact of crime on its victims. These are to be completed during class time with the instructor's assistance. Once the case example is completed, the instructor will lead a group discussion about the topic.

o Post Film Exercise:

Post film exercises are designed to better able class members to personalize the impact of crime on victims. Several films contained in the index are listed for use as visual aids in depicting the impact of crime on victims. The instructor will assist the group through the post film exercise. Once the exercise is completed, the instructor will lead a group discussion about the exercise.

o Homework:

Homework assignments are designed to assist class members to process the material being discussed and offers them an opportunity outside of the classroom setting to contemplate the impact of crime on victims. These assignments are to be completed by class members after class time. The assignment(s) will be entered in their personal resource book and given to the instructor the following working day.

o Written Quiz:

Written quizzes are designed to assist class members and instructors evaluate progress made in understanding the material. They are to be completed by class members during class time. The assignment(s) will be entered in their personal resource books and given to the instructor.

**WASHINGTON STATE DEPARTMENT OF CORRECTIONS
VICTIM AWARENESS EDUCATION PROGRAM**

Overview and Purpose of the Course

Why adult offenders need to study victim issues:

The Department of Corrections has expanded its programming to include a focus on the interrelationship of victim/victimizer. It is not enough to teach an offender life and employment skills if they return to the community with no respect for other people or their property.

In order to begin to break this cycle, more attention must be given to the victim. The justice system has a need and a responsibility to work in equal partnership with victims and victim advocacy programs if the needs of victims and offenders are to be met. Only by their inclusion can the justice system be more complete.

Areas to be addressed include:

- Exploring how offenders view other people
- Raising offenders awareness of the long-term impact of their actions
- Discussing offenders tendency to depersonalize the people they injure

Course Description

The following describes a 6 week course to be initially taught at Eastern Washington Pre-Release and Tacoma Pre-Release through Spokane and Pierce Community College contracts, in a formal classroom setting. The program will be taught by accredited educators utilizing victims advocates, community organizations and volunteers.

Offenders will hear from self-help victim advocacy groups. They will know why and how these organizations came about and in turn, the victims and advocacy groups will be more involved in the correctional system. Although many groups may not be open to any mention of "rehabilitation," they are anxious to assist in preventing future crimes and to let offenders know the devastating impact of their crime. The course purpose is to personalize crime through direct contact with selected victims and victim advocacy groups. Films and tapes will be used and some agencies, such as MADD, have developed additional curriculums which may be utilized.

The topics that would be the focus of the course content relative to victimization issues are:

- Orientation to Victims issues
- Child Sexual Abuse / Molestation
- Child Abuse (Neglect)
- Domestic Violence
- Rape
- Homicide
- Vehicular Homicide / Assault
- Property Crimes (related to senior citizens, single parents and vulnerable populations)

The content of the class includes guest speakers on victims issues, videos, class discussions, assignments focusing on victims issues and self awareness as well as victim panels. A pre and post test will be given in addition to a final exam. Criterion to complete the class include, attending all classes, completing all assignments as well as a thorough evaluation of the class.

Targeted Offenders and Class Selections

This class will be limited to no more than 15 offenders per class cycle with the ideal class being 12 and will be a cross section of all offenders in the general population. Class will be co-ed depending upon facility with selection to class made by the classification committee with input from the instructor.

Material utilized for this curriculum will be written to the junior high level. For students below this reading level, adjustments will need to be made by the instructor to insure comprehension in the classroom format.

A wide variety of films and video tapes will be used in the class.

COURSE DESCRIPTION

The goal is to sensitize the adult offender to the personal impact of crime on victims.

Participants take part in activities aimed at increasing their awareness of the effects of assault, child sexual abuse/molestation, child abuse, domestic violence, rape, homicide, assault/robbery, vehicular homicide/ assault and property crimes. The class examines the financial, physical and psychological trauma experienced by victims. Guest speakers and videos present information and first hand knowledge of the victim issues.

OBJECTIVES

Upon completion of the course the students will be able to:

1. Identify and list 5 feelings toward the victim(s) of their crime
2. List 5 ways in which their behavior has affected (impacted) the life of his/her victim(s).
3. Identify personal pattern of behavior that contributed toward the commission of their crime.
4. Identify the intervention strategies that will lessen their chances of reoffending.
5. List 5 people who have been effected by their crime and explain the long and short term impact felt by each.
6. Identify at least 2 community-based victim support services in the area of their anticipated release.
7. Identify at least 2 community-based support services that may assist them in their intervention strategies.

NOTE: These objectives must be met by each student at the completion of the course and demonstrated during the exit interview.

Appendix I : Washington DOC Pre/post Attitude Test

NAME _____

DATE _____

PRE / POST ATTITUDE TEST

	TRUE	FALSE
<i>Put an "X" in the box that best describes your answer.</i>		
1. Suckers deserve what they get.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Old people have nothing of value.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. If you steal from someone who has a lot, it isn't so bad.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. It is scary to come home and find your house has been burglarized.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Stealing from people with insurance isn't so bad.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. When someone's house is burglarized, they often don't feel safe there again.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. If I left my car unlocked, I'd be asking for someone to steal it.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. It is ok for couples to argue.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. It is ok for parents to hit each other.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Sometimes you have to hit your partner to show them who is boss.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. It is ok for women to hit men.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. If you're involved in a relationship your partner should not talk to someone else of the opposite sex.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Men who always win fights are always respected.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. If a man hits his wife, she knows he cares about her.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. If a woman doesn't want to be hit, she should do what she's told.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. When a woman is beaten, she knows she's done wrong.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Children who are molested often have sexual problems as adults.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Children who are molested often molest others when they grow older. ...	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Sex between a father and daughter is not so bad.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Kids often lie when they claim to have been molested by an adult.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Only a small number of children are victims of sexual molestation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Child molesters are all poor and uneducated.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NUMBER OF CORRECT RESPONSES _____

PRE / POST ATTITUDE TEST

TRUE FALSE

Put an "X" in the box that best describes your answer.

- 23. Men who molest boys are all homosexual. TRUE FALSE
- 24. If women satisfied their husbands, men would have no need to molest their children. TRUE FALSE
- 25. All abused kids become delinquent. TRUE FALSE
- 26. If your parents beat you, it proves that they love you. TRUE FALSE
- 27. Most child abuse occurs in poor families. TRUE FALSE
- 28. It's ok to abuse your elderly parents if you were abused as a child. TRUE FALSE
- 29. If a child does something wrong, the parents should beat them. TRUE FALSE
- 30. Child abuse can be found in all types of families. TRUE FALSE
- 31. Even if parents beat them, children would still rather live at home than be sent some place else. TRUE FALSE
- 32. Kids who are beaten by their parents are bad kids. TRUE FALSE
- 33. It's ok for parents to beat their children to teach them right from wrong. TRUE FALSE
- 34. Victims of child abuse tend to abuse their children. TRUE FALSE
- 35. A women's prior sexual history should be admitted in court in rape trials. TRUE FALSE
- 36. All rapists have erections. TRUE FALSE
- 37. Prostitutes can be raped. TRUE FALSE
- 38. Women don't testify against their rapist because they really enjoyed it. TRUE FALSE
- 39. If your girlfriend says "no" to sex, she's really just teasing. TRUE FALSE
- 40. Women who wear sexy clothes are asking to be raped. TRUE FALSE
- 41. When rape occurs, it is sometimes just because a guy needs to be with a woman. TRUE FALSE
- 42. Even if a woman has consented to sex before, she can still be raped by that person. TRUE FALSE
- 43. It is impossible to rape your wife. TRUE FALSE
- 44. All rapists ejaculate. TRUE FALSE

NUMBER OF CORRECT RESPONSES _____

PRE / POST ATTITUDE TEST

TRUE FALSE

Put an "X" in the box that best describes your answer.

- 45. Most women are raped by strangers. TRUE FALSE
- 46. If somebody saw me commit a crime, I'd have to kill them. TRUE FALSE
- 47. People who are murdered are often just in the wrong place at the wrong time. TRUE FALSE
- 48. Parents of murdered children never really recover. TRUE FALSE
- 49. Survivors of homicide victims experience more anger than those who lose someone from natural causes.. TRUE FALSE
- 50. All crimes have victims. TRUE FALSE
- 51. Victims should be able to attend parole hearings. TRUE FALSE
- 52. Victims should not have any say in the sentencing of their offender. TRUE FALSE
- 53. Victims of crime can sometimes, live in fear the rest of their lives. TRUE FALSE
- 54. Being the victim of a crime does not change a person's life. TRUE FALSE
- 55. After an offender has served their time, the victim and/or victim's family should forget what happened. TRUE FALSE
- 56. If the passenger in your vehicle dies from a head on collision when you have been drinking and driving, this is only an accident. TRUE FALSE
- 57. If you have 6 drinks in 2 hours it is ok to drive home if you think you can. TRUE FALSE
- 58. The elderly deserve special attention and respect. TRUE FALSE
- 59. It's ok to take your elderly parents personal belongings because you will inherit them anyway. TRUE FALSE
- 60. There are victims when a business is robbed. TRUE FALSE
- 61. Chickens have lips. TRUE FALSE
(This question is not to be included in the total score.)

NOTE TO INSTRUCTOR: Count the number of correct responses.

NUMBER OF CORRECT RESPONSES _____

Appendix J
Washington Department of Corrections Evaluation and Final Examination

EVALUATION

STUDENT

In order to complete the course, the student must meet the following requirements:

1. A pre/post attitude test
2. Final exam
3. Oral exit interview
4. Complete all assignments
5. Complete self-reporting questionnaire
6. Attend all class sessions

INSTRUCTOR

Instructors are expected to compile the following information during the duration of the contract year:

1. Number of students attending the class.
2. Number of students completing the class.
3. Offender categories (number of students by offense).
4. Age, gender and ethnic origin of students.
5. Completed exit interview for each student with written comments and personal assessment of students involvement.
6. All exams and questionnaires.
7. Result of pre/post tests for each student and class totals.

STUDENT EVALUATION

Name _____ Instructor _____

Date _____

VICTIM AWARENESS PROGRAM COURSE EVALUATION

1. What information did you find helpful?
2. Which subject / areas were of the greatest interest to you ?
3. Do you think the instructor was knowledgeable of the subject matter?
4. Are there any areas of topics that should be added to this class?
5. Any suggestions on improving this class?
6. Have you had an infraction since enrolling in this program?
7. How will you use the material that you learned in this class?
8. How has your awareness of victim issues increased?
9. What community-based resources will you utilize?
10. Who was the best speaker? Why?

Student Name _____ Date _____

Age _____ Gender _____ Ethnic Origin _____

Did student complete course? Yes No Pass Fail

Attendance sheet attached _____

EXIT INTERVIEW QUESTIONS

NOTE: *These objectives must be met by each student at the completion of the course and demonstrated during the exit interview.*

1. Identify and list 5 feelings toward the victim(s) of your crime.
2. List 5 ways in which your behavior has affected (impacted) the life of your victim(s).
3. Identify personal pattern of behavior that contributed toward the commission of your crime.
4. Identify your intervention strategies that will lessen your chances of reoffending.
5. List 5 people who have been affected by your crime and explain the long and short term impact felt by each.
6. Identify at least 2 community-based victim support services in the area of your anticipated release.
7. Identify at least 2 community-based support services that may assist you in your intervention strategies.

Instructions, comments and personal assessment of students involved:

PRE TEST SCORE _____

POST TEST SCORE _____

NAME _____

DATE _____

VICTIM AWARENESS FINAL

1. Define:
Domino Effect

Victim Blame

Autonomy

2. List the effects the following crimes might have on a victim, their family members and friends:
Burglary

Domestic Violence

Child Abuse

Sexual Abuse

Vehicular Homicide / Murder

Rape / Date rape

3. Victims often feel that they are victimized a second time by the criminal justice system. They sometimes feel the criminal has more rights than they do. Explain three complaints victims have about the criminal justice system.

4. The elderly sometimes suffer more from being victimized than younger people. Explain why this is. Give at least three reasons.

5. Having insurance does not solve the problem of a burglary or auto theft. Why?

6. Why does MADD believe that drunk drivers who kill someone should face murder charges?

7. Why does MADD call a collision involving a drunk driver a "crash" not an accident?

8. Describe the difference between passive, assertive and aggressive.

9. How do these behaviors apply to avoiding being involved in a vehicular homicide or crash? (Refer to question 8)

10. Why does a woman stay in an abusive relationship? Give at least 5 different reasons.

11. What are the three phases in the cycle of violence. Explain how the cycle works to keep a woman in the relationship.

12. Give 3 effects on children growing up in a family where there is domestic violence:

13. Explain 2 ingredients of a healthy relationship.

14. What are 4 types of child abuse?

15. In child sexual abuse cases, list at least 2 reasons kids won't tell what is happening to them:

16. As a parent you owe your child your best efforts in the three areas listed below. Give examples of how you, as a parent can supply these for your child.

LOVE

SUPPORT

PROTECT

17. What are two reasons males need to know about and use contraception?

Appendix K

Victim Awareness Program Victims' Rights Quiz 1 and 2

Name _____

Date _____

PRE - POST ASSESSMENT

I. Answer each of the following questions. Circle T for True or F for False.

1. Insurance pays to replace everything stolen from a house. T F
2. Rape is the most frequently committed violent crime in America. T F
3. Guns in the home hurt/kill more family members and friends than intruders. T F
4. Most murder is committed by strangers. T F
5. It is believed that 1 in 3 girls and 1 in 4-7 boys are victims of child sexual abuse. T F
6. You can victimize someone without committing a crime. T F
7. Alcohol is America's # 1 drug problem among teenagers. T F
8. Most rapes happen on the spur-of-the-moment (are not planned). T F
9. Eight out of ten juvenile repeat offenders become adult offenders. T F
10. Every state in the United States has some sort of restitution legislation. T F
11. It's not a crime if you don't get caught. T F
12. Child molesters are all poor and uneducated. T F
13. When houses are broken into, people lose things that can't be replaced. T F
14. Most rapists say they have poor social relationships with women. T F
15. The highest homicide rate is among black males who are 18-24. T F

16. Children often lie about being molested. T F
17. Most victims of physical or sexual abuse go on to become abusers. T F
18. Drunk driving is the most frequently committed crime in the United States. T F
19. A victim is a person who is hurt or suffers as a result of the words or actions of another. T F
20. Victim impact statements are being used in many states. T F
21. Children are more likely to be abused at home than by strangers outside the home. T F
22. More people are killed each year by drunk drivers than died in the Vietnam war. T F
23. Most youth going to court for the first time do not return to court. T F
24. After recovery and insurance payouts, losses to victims of completed auto theft is about \$1300 a person. T F
25. Parents and elderly people are also victims of abuse. T F
26. People who abuse or batter other people can't help themselves. T F
27. About 1 million people are injured, maimed, or killed each year in alcohol-related crashes. T F
28. The person who victimizes is the one who is responsible for the action. T F
29. Most abused children become delinquent. T F
30. Most violent juvenile crime is committed by a small number of juveniles. T F
31. Children don't die from child abuse. T F
32. It is estimated that 5 of every 6 people will be the victim of an attempted or completed violent crime in their lifetime. T F
33. Vandalism is estimated to cost the nation more than 1 billion dollars a year. T F

34. Most rape is committed because of sexual inadequacy.

T

F

35. Battering or abuse only happens if there is physical violence.

T

F

NAME _____

DATE _____

VICTIM'S RIGHTS QUIZ

I. Put the letter of the correct definition on the line before the word it matches.

- | | |
|-------------------------------------|--|
| <u>E</u> 1. Initiate | A. to use for selfish purposes |
| <u>H</u> 2. Intimidate | B. a legal suit about personal rights |
| <u>G</u> 3. Compensate | C. to make up for or pay for |
| <u>A</u> 4. Exploit | D. the act of helping or supporting |
| <u>J</u> 5. Advocate | E. to begin |
| <u>C</u> 6. Restitution | F. Money held in a trust fund |
| <u>F</u> 7. Escrow | G. to repay for loss or damage |
| <u>I</u> 8. Victim impact statement | H. to threaten |
| <u>B</u> 9. Civil suit | I. a statement from a victim about loss and pain suffered from a crime |
| <u>D</u> 10. Assistance | J. to speak in favor of a person or cause |
| <u>L</u> 11. Legislate | K. a criminal trial. |
| | L. to make law |

II. Decide if each statement is True or False and put a T or F on the line before the statement.

- T 1. Some states allow victims to be present for and speak at parole board hearings.
- F 2. All victims of crime can get compensation from a state compensation board.
- F 3. POMC is a group that works for abused, neglected, and missing children.
- F 4. A victim is only hurt if they are physically hurt.
- T 5. Victims are often hurt by the attitudes of people in society and by the criminal justice system.

- T 6. More and more victims are filing civil suits against criminals and third parties.
- T 7. The United States observes a National Victims' Rights Week.
- F 8. Only a few states have laws about restitution for crimes.
- F 9. Victims are only individuals and not corporations or businesses.
- T 10. Federal judges must accept victim impact statements.

III. Answer each of following questions.

1. What is a victim? _____

2. What is victimizing behavior? _____

3. List one group that supports victims and tell how they help.

4. How do society or people in it often blame the victim?

II. Read each statement below. Put an X on the line to show your opinion about the statement and whether you:

- a. Strongly Agree
- b. Agree
- c. Uncertain
- d. Disagree
- e. Strongly Disagree

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
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1. Some people deserve to be victims.
2. It's okay to take from people with insurance.
3. It's only a crime if you get caught.
4. You only hurt someone if you physically hurt them.
5. Some girls have to be hurt to put them in their place.
6. People who respect themselves don't need to hurt other people.
7. Men batter women more than women batter men.
8. Victims of crime should have a say in what happens to the offender.
9. It's okay to drink and drive if you know how much you can hold.

10. If they leave the car unlocked, they deserve to have it stolen.

11. It's okay to touch a child sexually if the child doesn't object.

12. Men should always be tough.

13. Criminals get better treatment from the justice system than victims do.

14. Most rapes are committed by strangers.

15. If you can't earn it, it's okay to take it.

16. Men and women can have friends of the opposite sex.

17. People who carry guns are willing to use them.

18. When you are dating a girl regularly and spending money on her, you have the right to expect her to have sex with you.

19. It's okay to hurt someone if you only hurt or scare them a little.

20. Stealing a car to "cruise around" in doesn't hurt anyone if you don't damage the car.

21. Selling drugs doesn't hurt anyone but the user.

22. People can be emotionally and verbally abused.

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
----------------	-------	-----------	----------	-------------------

23. If a 35 year old woman has sex with a 14 year old boy it is okay because it helps him learn about sex.

24. Victims of crime get over it and only hurt for a little while.

25. Men should always be "in control" and "in charge".

26. Hitting your spouse or child lets them know you care about them.

27. If a girl says yes to sex and changes her mind, it's okay to force her to have sex because the boy is "turned on".

28. Making fun of people doesn't hurt them.

29. If a 35 year old man has sex with a 14 year old girl it's okay because it helps her learn about sex.

30. Sometimes people blame the victim for the crime.

Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
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Appendix L

Topic Outlines and Resource Material:

Property Crimes

Domestic Violence

Sexual Assault and Rape

Child Abuse and Sexual Abuse Exercise

Child Abuse Lesson Plan, Exercise and Quiz

Assault and Robbery

Vehicular Homicide

Homicide

Sources:

California Department of Corrections

California Youth Authority

Ohio Buckeye Youth Center

Washington State Department of Corrections

PROPERTY CRIMES

- OBJECTIVES:**
1. To present a comprehensive look at the problems and psychological trauma faced by victims of property crimes.
 2. To educate the students to see victims of property crimes as individuals, not objects.
 3. To educate students on the effects of burglary on the elderly and children.
 4. To provide information about and/or access to community resources that will aid in the habilitation process.

MATERIALS: Pencils
Manual
VCR/Television
Chalkboard
Articles from newspaper, magazines

FILMS:

- OUTLINE:**
1. Discussion of burglary case scenario. Bring out these points:
 - a. Insurance costs
 - b. Loss of sentimental irreplaceable objects
 - c. Victim impact statement and the law that allows this statement to be read in court.
 - d. Psychological trauma and loss/physical disorders.
 - e. Statistics - Burglary every 8 seconds, less than 10% of the stolen property is refunded.
 - f. Domino Effect
 - g. Victim blaming themselves
 - h. Effects on single parent families.
 - i. Effects on the young and elderly
 - j. Sleep disorders
 - k. Stress
 - l. Potential of committing or charged in a second offense. (i.e: Rape, Homicide, etc., during commission of property crimes).

EXERCISES: Burglary Case Examples

ASSIGNMENTS: Burglary Quiz
Check Thieves Prey on Sick and Aged quiz
20 Minutes and a Coat Hanger quiz

SPEAKERS: Insurance Company
Blockwatch
Crime prevention Unit
Police officer from property crime unit
Store security personnel
Company employee theft
Victim - Burglary

9. How did you feel?

10. Did you get your things back? If you did how did you get them back?

THINGS THAT WERE TAKEN	HOW MUCH ARE THEY WORTH
1. One color T.V. (13 inch)	\$350.00
2. One stereo with speakers	\$650.00
3. Power Tools	\$250.00
4. 12 gauge shotgun	\$300.00
5. Money from cookie jar	\$150.00
6. Watch	\$ 40.00
7. Wedding ring that belonged to your great-great-grandmother	\$ 25.00
8. Family photograph in a goldtone frame	\$ 15.00

BURGLARY E-1

THINGS THAT WERE DESTROYED:

1. Set of crystal glasses smashed
2. Pictures from the photo album thrown about the house
3. Dresser drawers thrown all around the bedroom
4. Cookie jar smashed

THE POLICE

You and your grandparents decide to call the police and report that the house has been broken into. It takes the police 30 minutes to get to your house. When the police arrive they ask what was taken and then they ask some of the following questions:

1. Do you have the receipts or serial numbers for the T.V. stereo, power tools? How much are they worth?
2. How much money was taken from the cookie jar?
3. How much was all the jewelry worth?
4. Was the gun registered and how much was it worth?

Sometimes the police will also make comments to the victims, like

1. You should get better locks on your doors. The locks were ripped off. A baby could get into your place.
2. You should have marked your property or kept a record of the serial numbers or something. How are you going to prove it is yours if we find it?
3. You should really get a dog or an alarm system or something.
4. If I were you, I would move out of this neighborhood. Everyone around here gets ripped off.

QUESTIONS:

1. How do the policeman's comments make your grandparents feel?
2. Whose fault is it that all of these things happened?
3. Is anything that happened your grandparents fault? If yes, what do you think was their fault?

QUESTIONS:

1. Do you think that your grandparents have insurance?
2. Do you think that a lot of people have insurance?
3. How much will it cost your grandparents to buy new things.
4. Are there some things that were taken that your grandparents cannot replace? What are these things?
5. What things do you think your grandparents are going to miss the most? Why?

6. If your grandmother decided to ask around or offer a reward for one item, what do you think the one item would be? Why?

7. Do you think that your grandparents home was broken into by someone your grandparents know? If yes, why?

8. How safe do you think your grandparents are going to feel in their home?

9. What are you going to say to your grandparents to try and make them feel better?

10. Do you think that your grandparents might be wondering about their things?

PROPERTY CRIME
TEXT

MYTHS AND REALITIES OF PROPERTY CRIME

MYTH: Property crime does not harm anyone because insurance will take care of everything.

REALITY: Many people do not have homeowners and/or theft insurance. Even for those who do, not all items are insured and there are deductibles and limitations to insurance policies.

MYTH: Property crime does not cause any emotional harm to its victims.

REALITY: The sense of security and privacy one has is violated and often victims of property crime live in fear and never regain the sense of security they once had.

MYTH: Property crime never becomes a violent crime.

REALITY: Most property offenders come to commit their crimes prepared for unplanned situations; and when a victim or witness does happen to appear unexpectedly or if anything goes wrong with the offenders plan, the crime may escalate to a violent crime against a person.

MYTH: Stealing someone's welfare or social security check only harms the government.

REALITY: Many welfare and social security recipients, such as the elderly or disabled, survive from paycheck to paycheck and face consequences such as ejection from an apartment or the inability to buy groceries if they do not receive their checks on time.

MYTH: Stolen items are only of monetary value.

REALITY: Many stolen or destroyed items are irreplaceable, such as wedding albums, and their loss can cause severe emotional hardship on victims.

MYTH: Car theft is easily handled by insurance.

REALITY: In addition to deductibles and limitations of insurance policies, most policies will only pay the low blue book value of a vehicle. Furthermore, victims are without transportation while processing their claims, which can result in the loss of employment.

DOMESTIC VIOLENCE

- OBJECTIVES:**
1. To educate the students on the various types of family violence, (child abuse, animal abuse, elder abuse, parent abuse and destruction of property.)
 2. To educate the students about the cycle of violence and how it works to keep the person in the relationship.
 3. To educate students about the effects of domestic violence on the family dynamics.

MATERIALS: Student Handbook
Pencil / Paper
VCR / Television
Chalkboard

FILMS: "Burning Bed"
"Tracy Thurman Story"
"Shattered Dream"

- OUTLINE:**
1. Discuss myths and realities
 2. Discuss cycle of violence
 3. Discuss personality traits of the abuser and the abused.
 4. Discuss passive, assertive, aggressive patterns.
 5. Discuss why women stay, learned helplessness.
 6. Discuss anger as a secondary emotion.
 7. Discuss affects on family dynamic/children.
 8. Discuss Bill of Rights

- EXERCISES:**
1. Symptoms of relationship burnout
 2. Scale of relationship problems
 3. Spouse abuse scale
 4. Enhancing relationships checklist

- ASSIGNMENTS:** 1. Design your personal Bill of Rights - Values Clarification (examples provided)

SPEAKERS: Alternatives to Domestic Violence
Staff from Safe House shelter
Batterer
Police Officer / Community Service Officer with local law enforcement

SYMPTOMS OF RELATIONSHIP "BURNOUT"

- ___ loss of interest in each other
- ___ lack of communication
- ___ nothing in common
- ___ don't do things together, or don't care to do things together, or can't find the time
- ___ marriage is not the top priority anymore; job, church, relatives, friends, hobbies, lovers, whatever, are more important
- ___ you're facing up to the fact that deep down you want a divorce
- ___ inflexibility - you can no longer compromise with each other
- ___ you feel you have an unequal share of the workload
- ___ You feel you have an unequal share of the childcare responsibilities
- ___ minor irritations become major issues (which are just a smokescreen for the underlying problem)
- ___ failure to deal honestly with important issues
- ___ you make family decisions alone
- ___ you make assumptions about your spouse without talking with him or her
- ___ you have more intimate relationships with other people than your spouse
- ___ boredom
- ___ you have differing values
- ___ lack of romance, i.e, touching, cuddling
- ___ job problems become paramount to everything else
- ___ child-rearing philosophies differ
- ___ the children start acting up; they have frequent trouble at school, get in fights with friends, or they withdraw
- ___ one spouse controls the other by violence, tantrums, or threats of suicide or violence
- ___ individual interests are more important than the welfare of the couple
- ___ you can't talk about money, politics, religion, sex, or other touchy subjects
- ___ nitpicking
- ___ you avoid each other
- ___ public humiliation
- ___ You aren't concerned about how you look anymore, nor about how she or he looks, either
- ___ health problems, such as headaches, back pain, sleeplessness, high blood pressure, recurring colds, emotional ups and downs
- ___ alcohol and other drug abuse
- ___ you feel like you've forfeited your own happiness for the well-being of the other person
- ___ family functions decrease
- ___ no one listens anymore
- ___ one grows in one direction, one grows in the other direction

DOMESTIC VIOLENCE E-1

SCALE OF RELATIONSHIP PROBLEMS

This scale describes some problems that are fairly common in relationships today. No single one of the problems described in this scale is found only in unhappy relationships. All of the problems listed are found in some happy relationships. In marking your answers to the questions on the scale, be sure to answer each item. You may find that some items do not apply in your relationship. For example, if you have no children, the items having to do with child-rearing would not be applicable to your relationship. If a particular item is not applicable, mark the answer "This is never a problem." Please answer each item on the scale.

ITEM	RESPONSE		
	This is never a problem.	This is somewhat of a problem or an occasional problem.	This is a serious problem. or a constant problem.
1. One partner feels that he or she always has to "give in" to the significant other.	_____	_____	_____
2. One partner feels that he or she cannot individually "grow" as a person in the relationship.	_____	_____	_____
3. Partners seem to want different things out of the relationship.	_____	_____	_____
4. Partner holds the other "down" or prevents significant other from doing things that would make him or her happier, more satisfied.	_____	_____	_____
5. Partner feels that he or she does not understand what spouse is upset about.	_____	_____	_____
6. Partner and spouse cannot seem to discuss things calmly without arguing or fighting.	_____	_____	_____
7. Some problems seem to linger in the relationship without getting solved.	_____	_____	_____
8. Although there are frequent arguments, couple is unable to find out what the real problem is.	_____	_____	_____
9. Slight disagreements seem to turn into crises.	_____	_____	_____
10. Partners sometimes seem to be working "against" each other instead of working with each other.	_____	_____	_____
SUBSCORE	_____	_____	_____

ITEM	This is never a problem.	This is somewhat of a problem or an occasional problem.	This is a serious problem or a constant problem.
11. Partners disagree on how much labor around the house the children should be responsible for.	_____	_____	_____
12. Both partners disagree on what the children should be taught as far as right and wrong or good and evil are concerned.	_____	_____	_____
13. Partners disagree on how to raise children that one spouse brought to the marriage from a previous marriage.	_____	_____	_____
14. Partners disagree on how much children should be praised (rewarded) when they deserve it.	_____	_____	_____
15. Both partners disagree on how much children should be punished when they do something wrong.	_____	_____	_____
16. Both partners disagree on how children should spend their spare time (such as taking music lessons or not, attending camp during summer or not, etc.)	_____	_____	_____
17. Partners disagree on what children should be allowed to do and what they should not be allowed to do.	_____	_____	_____
18. Partners disagree on what children should be punished for and what they should be praised for.	_____	_____	_____
SUBSCORE	_____		

ITEM	This is never a problem.	This is somewhat of a problem or an occasional problem.	This is a serious problem or a constant problem.
19. A relative treats your children in a way that is disagreeable to you or your spouse.	_____	_____	_____
20. Mother or mother-in-law interferes by telling you or your spouse how to run the house or family.	_____	_____	_____
21. Partner has a relative that does things that cause the family embarrassment.	_____	_____	_____
22. Parents do not approve of spouse.	_____	_____	_____
23. You or your spouse is too dependent on parents for money, emotional support, etc.	_____	_____	_____
24. Your partner is constantly berating, criticizing, or "tearing down" your side of the family.	_____	_____	_____
25. A relative causes trouble by giving advice that was not asked for or by attempting to pit you and your spouse against each other.	_____	_____	_____
SUBSCORE	_____	_____	_____
26. Both partners disagree on who should do what around the house.	_____	_____	_____
27. Partner objects to spouse's way of dress, i.e., male's pants being too baggy or female's skirt being too short, etc.	_____	_____	_____
28. Partner objects to physical characteristic of spouse, i.e., weight, hair, etc.	_____	_____	_____
29. Personal cleanliness of partner is not up to standards of spouse or is objectionable to spouse.	_____	_____	_____
30. Partner has habit or mannerism (throwing dirty socks on floor, forgetting to put oil in car, etc.) that constantly causes work for or inconveniences spouse.	_____	_____	_____
31. Partners disagree on how and where to spend family vacations.	_____	_____	_____
SUBSCORE	_____	_____	_____

ITEM	This is never a problem.	This is somewhat of a problem or an occasional problem.	This is a serious problem or a constant problem.
32. Either you or your spouse spends money without first consulting the other.	_____	_____	_____
33. Partners disagree on the family budget, i.e., how much money should be spent on what, how much should be saved for the future, how much should be invested, etc.	_____	_____	_____
34. You feel that your spouse spends too much money on some things and not enough on others.	_____	_____	_____
35. You and your spouse live beyond your means.	_____	_____	_____
36. As a couple, you spent too much money, and are still trying to get out of debt as a result.	_____	_____	_____
37. Your spouse feels that you spend too much money on some things and not enough on others.	_____	_____	_____
SUBSCORE	_____	_____	_____
38. Partners are dissatisfied with the type of affection that is shown in public, such as handholding, kissing, etc.	_____	_____	_____
39. Partners are dissatisfied with the amount of affection (too much or too little) that is shown in public.	_____	_____	_____
40. Either you or your partner has a sexual affair.	_____	_____	_____
41. Partner objects to some of your friends.	_____	_____	_____
42. Partner is not interested in what happened to you during the day.	_____	_____	_____
43. Partner does not share the events of their day with you.	_____	_____	_____
SUBSCORE	_____	_____	_____
TOTAL SCORE	_____	_____	_____

SCALE OF RELATIONSHIP PROBLEMS SCORE SHEET

Subscale	My Score	Partner's Score
1. Problem Solving and Decision Making (1-10)		
2. Child Rearing (11-18)		
3. Relatives and In-laws (19-25)		
4. Personal Care and Appearance (26-31)		
5. Money Management (32-37)		
6. Friendships and Affection (38-43)		
TOTAL		

Usually, couples in typical, functioning, happy relationships mark about thirteen items as problems on the scale. Couples in seriously troubled, dysfunctional relationships usually mark about thirty-four items as problems.

PARTNER ABUSE SCALE

Now I am going to read a list of things you may or may not have done when you and your spouse / partner had a dispute or at any other time. Please tell me how often you did each one. (These questions refer to the client's present relationship.)

1 - Never 2 - Once or Twice 3 - Sometimes 4 - Alot

A. Not physically violent

- 1. Discussed issue calmly. _____
- 2. Sulked, refused to talk, withdrew affection or sex to punish. _____
- 3. Stomped out of room in order to punish. _____
- 4. Screamed, insulted, or swore at the other. _____
- 5. Verbally pressured the other to have sex. _____
- 6. Threatened to leave the marriage or relationship. _____
- 7. Threatened punishment other than physical. (e.g., withholding money, taking away children, having an affair). _____

B. Indirect threats of violence

- 1. Restricted physical movement or social contact. _____
- 2. Intentionally interrupted the other's sleeping or other's eating. _____

C. Direct threats of violence

- 1. Threatened to hit or throw something at the other. _____
- 2. Threw, hit or kicked something. _____
- 3. Drove recklessly to frighten the other. _____
- 4. Directed anger at or threatened the children. _____
- 5. Directed anger at or threatened the pets. _____

D. Violence

- 1. Threw something at the other. _____
- 2. Pushed, carried, restrained, grabbed, shoved, wrestled the other. _____
- 3. Slapped or spanked the other. _____
- 4. Bit or scratched the other. _____
- 5. Threw the other bodily. _____

E. Severe Violence

- 1. Choked or strangled the other. _____
- 2. Physically forced sex on the other. _____
- 3. Punched or kicked the other. _____
- 4. Burned the other. _____
- 5. Kicked or punched the other in the stomach when pregnant. _____
- 6. Beat the other unconscious. _____
- 7. Threatened with knife, gun, or other weapon. _____
- 8. Used any weapon against the other. _____

DOMESTIC VIOLENCE E-3

ENHANCING RELATIONSHIPS CHECKLIST

- _____ Look for the good in each other instead of always focusing on the bad. Express this appreciation often (like every day or more often).
- _____ Commit yourselves to your family; can't give up on it easily. Our families bring some of the most beautiful times in our lives and some of the most difficult; ride out the storms together.
- _____ Act as if your family is more important than anything else - work, school, friends, relatives, church; don't pay lipservice to it, hypocritically.
- _____ Be more open and honest in your communication without being negative; express your honest concerns without attacking.
- _____ Eliminate violence in relationships, learn to argue without using your fists, Find ways of disciplining children that do not require slapping or spanking (for example, "Time Out": "Because you continue to pick on little sister, you must sit quietly on this chair for five minutes," or withdrawal of privileges: "If you don't quit yelling and running through the house, you'll not get to watch cartoons this afternoon").
- _____ Work on problems when they arise, rather than letting them build up until a huge blowup is inevitable.
- _____ Spend lots and lots of time together just enjoying each other's company; if you forgot how to enjoy each other's company, relearn this art just like you learned how to bowl or do needlepoint.
- _____ Reinforce positive behaviors. Tell your partner how much you like their efforts to improve communication; accept compliments from your kids graciously and make them feel good in return.
- _____ Build self-esteem and confidence. If you find yourself chewing out a loved one, you must find ten occasions to compliment him or her before you complain again. Remember how easily esteem buckets are emptied; how hard they are to fill.
- _____ Discuss your values with your loved ones. What do you find important about life. What are you working toward and growing toward? What kinds of religious orientation does each of you hold and how can this be used to bolster your life together?
- _____ Have a relationship Annual Meeting. Leave town together and check into a motel. Write down beforehand how each of your lives as an individual is going, and how each of you thinks the family is going, and where you want to go as individuals and as a family together. Build direction for your lives together. Celebrate your accomplishments and have some fun, too.

- _____ Allow for the growth of each individual. Don't smother each other. But at the same time, don't let individuality be a copout word which really means "I don't care anymore and I'm just not going to try - but I'll fake it."
- _____ Compromise. The best solution is one in which no one wins and no one loses. Instead, make the relationship win.
- _____ Find a cause or purpose in life that is bigger than you and your family - fight work hunger; work for peace or an end to birth defects or to reduce crime in your town ; adopt a child; be active in your synagogue or church. Work as a family.
- _____ You'd consider taking a class on macrame or income tax preparation or exercise, so why not one on relationship enrichment or parenting?
- _____ Let a marriage or family therapist help with especially troublesome areas. It takes maturity and foresight to deal with problems before they become a crisis.
- _____ Develop individual responsibilities in the family, but remember that these will inevitably change with time, Be flexible and avoid sex stereotypes. If it makes more sense or satisfies the couple, there is no reason why he can't cook and iron while she mows the lawn or waxes the car.
- _____ Treat your loved ones as kindly as you would a best friend or your boss. Loved ones are most important of all, and deserve the best.
- _____ Children can add strength to a relationship and encourage commitment; but they also can slowly and steadily erode the relationship by taking so much energy and time away from it. Don't let being a parent stop you from being a spouse.
- _____ Try heart-to heart talks on a regular basis. Sit down with plenty of time (at least an hour), no phone, add a glass of apple cider or soda pop. Talk about what's happening in each of your lives. How does each of you feel? Where's the family going? Do this with the kids, too.
- _____ How's your sex life? Seriously, most couples find that improving their relationship improves their sexual relationship. Sometimes it works, too, that improving sex improves the general relationship. A reputable book on human sexuality may be of help - or a weekend away from the kids or a new nightie or a shower together or flowers.
- _____ Deal with stress on a daily basis. Exercise, relaxation, humor perspective, hobbies, and pets are weapons in the fight against stress.
- _____ Think about general actions you can take in the event of a crisis. Regard crises as opportunities to grow closer as a family.

CASE EXAMPLES, READING MATERIALS, EXERCISES

Jackie is asleep in her bed. She wakes up and finds a man near the bed.

The man shows her a knife and tells her not to scream or he will kill her. He orders her to remove her clothing and while still holding the knife, he rapes her. He tells her if she calls the police, he will return and kill her. He then leaves.

1. What should Jackie do first?
2. Should she call the police?
3. Do you think the rapist will return if she does?
4. Should Jackie have screamed?
5. Should Jackie have tried to fight the man? If so, what should she have done?
6. Does Jackie have any physical injuries that the police might see?
7. Do you think Jackie will ever feel safe in her home again?

Bill and Jennifer have been dating off and on for two years. During these two years, Bill and Jennifer have had sex several times. Bill expects to take Jennifer to the movies and then go back to his house to spend the rest of the evening. Bill expects Jennifer to have sex with him.

At the end of the evening, Jennifer thanks Bill for taking her to the movies and asks to be taken home. Bill becomes angry and tells her that he wants her to go home with him. Jennifer says she will go to Bill's house for a little while. When they get to Bill's house, he begins kissing and hugging Jennifer. She tells him to stop. Bill continues and a struggle starts. Jennifer hits Bill during the struggle and he becomes very mad. He strikes Jennifer and tells her that she is going to get what she deserves. He then rapes her.

After the rape, he feels bad. He tells Jennifer that he is sorry and he doesn't know what got into him. He begs her not to call the police and offers to take her home. He is crying.

1. Should Jennifer call the police? If not, why?
2. Should Jennifer forgive Bill and forget it?
3. Should Jennifer let Bill drive her home now?
4. Should Jennifer still be afraid of Bill?

5. What do you think Jennifer did wrong if anything?
6. Can you legally rape a woman you have had sex with before?
7. If you were a policeman, what questions would you ask Jennifer? (Give at least three questions)
8. Do you think Bill would ever rape someone else? Why?

Georgia has had her car repaired by the same garage for about two years. Today, the garage called her to let her know that her car is ready and she can pick it up after work.

She has a friend take her to the garage and drop her off. When she tries to start her car, it will not start. The garage attendant, Stanley, tells her that he's sorry and if she will just come into the enclosed part of the garage, he will get his keys and take her home.

Once Georgia enters the garage, Stanley shuts the door and hits her in the face. He tells her she is going to get what she deserves and he drags her to a van in the garage and beats her about the face and body. He rapes her, forces her to have oral sex, and sodomized (anal sex) the victim. He continues to beat her after the assault.. The victim manages to escape and she runs nude from the garage.

She is helped by three young men who call the police. Georgia is 48 and Stanley is 22 and married.

1. Do you think Georgia would have called the police on her own?
2. What type of rapist is Stanley?
3. Do you think that Georgia should be hysterical?
4. Do you think the police will believe her? Why?
5. What would you have said to Georgia if you had been one of the young men who helped her?
6. If Georgia was your mother, what would you say to her when you found out what happened to her?
7. What could Georgia have done to prevent his incident from happening?

RAPE AND THE OLDER VICTIM

Mrs. Louise Johnson is 72 years old and lives with her husband Walter who is 76 years old. Both Mr. and Mrs. Johnson are retired, Mr. Johnson has left the house to go to the laundromat and Mrs. Johnson is making lunch. A man knocks on the front door and Mrs. Johnson answers the door. The man asks Mrs. Johnson if she has any yard work for him and Mrs. Johnson tells him that she doesn't.

As Mrs. Johnson is closing the door the man pushes his way in knocking her to the floor. He kicks her and demands all her money. Mrs. Johnson begs the man not to hurt her and tells him all money is in her purse. The man becomes angry when he discovers only \$13.00 and tells Mrs. Johnson he is going to teach her a lesson. The man beats and rapes Mrs. Johnson.

Mr. Johnson returned home to find his wife laying on the floor and called an ambulance.

1. Do you think older people are too trusting? Why?

2. Will Mr. and Mrs. Johnson feel safe in their home again?
How will Mr. and Mrs. Johnson's neighbors feel? (They are all old also)

3. Do you think the man would have raped Mrs. Johnson if she would have had more money?

4. If Mrs. Johnson was your grandmother, would you be embarrassed to talk to her about what happened? Why?

5. Do you think that Mrs. Johnson will tell the police that she was raped?

6. If you were Mrs. Johnson, would you tell the police about the rape?

7. How do you think Mr. Johnson feels?

8. What do you think Mr. and Mrs. Johnson's friends do to help?

RAPE

- OBJECTIVES:**
1. To educate students on the initial traumas of being a rape victim.
 2. To educate students on the long term financial, emotional and psychological costs of rape.
 3. To educate students on consent issues.

MATERIALS:

Student manual
Pencils / paper
VCR / Television
Chalkboard

FILMS:

"He Can't See Me"	"The Accused"
"Without Her Consent"	"No Means No"
"Someone You Know"	"Kelly McGillis" Film
48 Hours - "Victim Power" (Rape segment)	

- OUTLINE:**
1. Discuss the differences between power, sadistic and anger rapes.
 2. Discuss myths and realities of rape.
 3. Identify feelings of rape victims.
 4. Discuss short term medical aspects of rape.
 5. Identify and clarify date rape and rape in marriage.
 6. Discuss the socialization process of males and females in this culture.
 7. Discuss males as rape victims.

- EXERCISES:**
1. True / False quiz
 2. Is it all right
 3. Myths and Realities / Patterns of Rape
 4. Case examples, reading material, exercises

- ASSIGNMENTS:**
1. President's Task Force on Victims of Crime, Final Report P. 3 - 40. Discuss emotions of victim.
 2. Class exercise - Situations 1, 2, and 3

SPEAKERS:

Rape-Crisis Clinic	Emergency room staff
Police Officer	Hotline Person
Rape Victim	Victim of Violent Crimes Group

What is your

I.Q.

on this

R.Q.

(rape quiz)



1. Reasons men rape:
A. Sexually starved
B. Crazy
C. To overpower and humiliate someone else.
2. Guns or knives are usually involved in rapes. T F
3. The place rape usually happens is:
A. Home
B. Woods
C. Dark alleys
4. Men can be raped. T F
5. Most people are raped by:
A. Someone they know
B. A stranger
6. Rape is only a big city problem: T F
7. People are asking to be raped when they are:
A. Hitchhiking
B. Wearing sexy clothing
C. None of the above
8. You can tell if someone might be a rapist by looking at him. T F
9. The age of most rapists is:
A. 65 and older
B. 35-65
C. 35 and younger
10. Women often accuse innocent men of rape. T F
11. Only young, beautiful, sexy women are raped. T F



IS IT ALRIGHT...

if a male holds a female down and forces her to engage in intercourse if:

AGREE DISAGREE

- | | | |
|--|--------------------------|--------------------------|
| 1. He spent a lot of money on her: | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. He is so turned on he thinks he can't stop. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. She has had sexual intercourse with other guys. | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. She is stoned or drunk. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. She says she will have sex with him but changes her mind. | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. She lets him touch her above the waist. | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. They have dated a long time. | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. She has had sex with him before. | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. She led him on. | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. She is wearing suggestive clothing. | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. She is hitchhiking. | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. She is out by herself late at night. | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. She is living with him but they are not married. | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. She is married to him. | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. She is married to him but they are currently separated. | <input type="checkbox"/> | <input type="checkbox"/> |

All of these situations describe a rape because:

- there was no consent
- force was used

ANSWERS



1. C Rape is an act of power, not caused by being sexually starved. Rapists do not test out to be "crazy" on psychological tests.
2. F Rapists are more likely to use tricks, threats or physical force than weapons.
3. A More than one-half of all rapes occur in the home; the next most common place is in a car.
4. T Males are raped in the same kinds of situations as women. They are usually raped by heterosexual males. Men are less likely than women to talk about or report rapes.
5. A Most rapists are known to the victim (a friend, neighbor, relative or a casual acquaintance).
6. F Rape is a problem everywhere. It is a problem in small towns as well as big cities.
7. C No one asks to be raped. Rape is getting hurt and no one asks to get hurt. Hitchhiking is a risky situation where rape can happen. However, no one hitchhikes intending to get raped. The way people dress has nothing to do with getting raped. In fact most teenage victims are wearing jeans.
8. F You cannot tell who a rapist is by the way he looks. They appear to be as normal as you and I.
9. C Most rapists are under 35 years old.
10. F Statistics show there are no more false reports of rape than there are for any other crime. Most rape victims do not even report the rape.
11. F Rape victims are of any age, shape and description. They are of any race. They are rich and poor. It can happen to anyone. It can happen to you.

Class Discussion Guide

Choose two or three myths. Do you agree to disagree with the realities? Why?

RAPE: MYTHS AND REALITIES

- MYTH:** Rape is a non-violent crime infrequently committed; or, it could never happen to me.
- REALITY:** Rape is the most frequently committed violent crime in America. In 1970, 37,270 rapes were reported, and it is estimated that ten times that number were actually committed.
- MYTH:** All women secretly want to be raped and invite or provoke it.
- REALITY:** According to the Federal Commission on Crimes of Violence, only 4% of the reported rapes involved any precipitative behavior by the woman. In some cases, precipitative behavior is nothing more than walking and dressing in a way that is socially defined as attractive. Our society lauds women who are sexy--but those unlucky enough to be raped are dismissed as tramps.
- MYTH:** Mainly "bad girls" are raped.
- REALITY:** In a study of rape done in Washington, D.C., 82% of rape victims had good reputations. Even advice to stay off the streets is useless because 60% of the reported rapes occur in the home of the victim. Rape can happen to any female at any time.
- MYTH:** A rapist is a man suddenly overcome with uncontrollable passion at the sight of a scantily-clad woman.
- REALITY:** Eighty (80) percent of all rapes are premeditated and foreplanned. In 82% of rape cases, offenders and victims lived in the same area. The man most likely to rape you is your next door neighbor, you woman friends husband.
- MYTH:** Most rapes occur between members of different races.
- REALITY:** Only 3% of rapes take place between members of different races.
- MYTH:** Hitchhikers and woman exposing parts of their bodies or not wearing bras are "asking to be raped."
- REALITY:** Hitchhiking is not an invitation to be raped. Most women hitchhike out of necessity, like most men. They are not asking to be raped or killed as part of the ride. What is it that men are asking for when they hitchhike? Whether a woman wears short clothes or no bra only indicates that person's choice of nonrestrictive clothing--not a sexual invitation!

RAPE: MYTHS AND REALITIES

MYTH: A healthy woman cannot be raped by one man alone.

REALITY: Fear can paralyze the bravest of us. The threat and clear possibility of grievous bodily injury and/or death could make John Wayne or Rosey Greer submit to humiliating experiences. Remember Deliverance?

MYTH: Woman enjoy being raped.

REALITY: The common belief that women, in fact, enjoy rape when it occurs would be hilarious if it wasn't such a tragic and destructive myth. The very idea that a woman could enjoy being attacked by a man she is not attracted to, that she could enjoy being exposed to injury or death, that she could enjoy being treated in a humiliating and brutal fashion is preposterous:

TABLE 1: PATTERNS OF RAPE

ANGER RAPE: (One-third - Conservative Estimate)

1. Aggression: more physical force is used than is necessary to overpower the victim; she is battered.
2. Assault is more impulsive and spontaneous.
3. Offender's mood state is one of anger and depression. (precipitating event).
4. Offenses are episodic.
5. Language is abusive; cursing, swearing, obscenities.
6. Dynamics: retribution for perceived wrongs, injustices, or "put-downs" experienced by the offender.
7. Assault of relatively short duration.
8. Victim suffers physical trauma to all areas of her body.

POWER RAPE: (80% - Most Common)

1. Aggression: uses whatever force or threat is necessary to gain control of victim and overcome her resistance.
2. Assault is premeditated and preceded by persistent rape fantasies.
3. Offender's mood state is one of anxiety.
4. Offenses are repetitive and may show an increase in aggression over time.
5. Language is instructional and inquisitive; giving orders, asking personal questions, inquiring as to victim's responses.
6. Dynamics: compensation for deep-seated insecurities and feelings of inadequacy.
7. Assault may be of an extended duration with the victim held captive for a period of time.
8. Victim may be physically unharmed; bodily injury would be inadvertent, rather than intentional.

SADISTIC RAPE: (Rarest)

1. Aggression: physical force (anger and power) is eroticized.
2. Assault is calculated and preplanned.
3. Offender's mood state is one of intense excitement.

TABLE 1: PATTERNS OF RAPE

SADISTIC RAPE (Rarest) (con't)

4. Offenses are ritualistic, typically involving bondage, torture, or bizarre acts, and are interspersed with other, non-sadistic sexual assaults.
5. Language is commanding and degrading.
6. Dynamics: symbolic destruction and elimination.
7. Assault may be of an extended duration in which the victim is kidnapped, assaulted and disposed of.
8. Victim suffers physical trauma to sexual areas of her body; in extreme cases she is murdered and mutilated.

Adapted from Men Who Rape: The Psychology of the Offender, by A. Nicholas Groth with H. Jean Birnbaum, published by Menum, 1979.

Mark M, for Myth or R, for Reality.

1. A rapist is a man who is suddenly overcome at the sight of a beautiful woman.
2. Rape is a non-violent crime infrequently committed.
3. Men cannot be a rape victim.
4. Fear can paralyze the bravest of us.
5. Eighty percent of all rapes are premeditated and foreplanned.
6. Hitchhiking is not an invitation to be raped.
7. Mainly good looking women are the ones men rape.
8. Women enjoy being raped.
9. Rape is the most frequently committed violent crime in America.
10. Only 3% of rapes occur between members of different races.

Mark A, for Anger Rapist, P for Power Rapist, or S for Sadistic Rapist.

1. Language is commanding and degrading.
2. Assault is more impulsive and spontaneous.
3. Aggression: more physical force is used than is necessary to overpower the victim; she is battered.
4. Language is instructional and inquisitive: giving orders, asking personal questions, inquiring as to victim's response.
5. Assault may be of an extended duration in which the victim is kidnapped, and disposed of.
6. Assault is calculated and pre-planned.
7. Offender's mood state is one of depression and anger.
8. Assault is relatively short in duration.
9. Victim suffers physical trauma to several areas of her body; in extreme cases she is murdered and mutilated.
10. Language is abusive; cursing, swearing, obscenities.

CHILD ABUSE

- OBJECTIVE:**
1. To educate students on different types of child abuse: emotional , physical and sexual.
 2. To identify the cycle of victim to victimizer.
 3. Teach students concepts of parental responsibilities, which are love, support and protect.
 4. To provide information about and/or access to community resources that will aid in the habilitation process.
- MATERIALS:**
- Student Manuals
Paper/Pencils
Chalkboard
VCR/television
Anatomically detailed doll
- BOOKS:**
- The Broken Cord
- FILMS:**
- "Innocent Addicts"*
"Parenting Film", DOC
"Come in From the Storm" series
"20/20 Special - Fetal Alcohol Syndrome"
"The Unquiet Death of Eli Creekmore"
- OUTLINES:**
1. Identify the Child Abuse Cycle.
 2. Identify the emotional and physical symptoms of abuse on a child.
 3. Discuss children's fears of telling about child abuse.
 4. Identify traits of an abusive parent.
 5. Discuss parental responsibility from conception.
 6. Develop skills to identify and break the cycle of child abuse.
- EXERCISES:**
- Brainstorm: Role play using positive parenting techniques with an anatomically detailed doll.
Brainstorm: Role play the effects of child abuse with anatomically detailed doll, (such as shaking, hitting, throwing, etc.)
1. Physical abuse and neglect quiz
 2. The Abuse of Brian
 3. A Case of Abuse
 4. Discipline vs. Abuse
 5. Born Drunk
 6. Children of Alcoholics
- ASSIGNMENTS:**
1. After previewing *"The Unquiet Death of Eli Creekmore"*, write a one page (minimum) essay on:
 - A. How the child must have felt.
 - B. The strategies that you could have used to prevent this tragic death.
 2. Physical and emotional punishment log.
- SPEAKERS:**
- Suspected Child Abuse Network
Emergency Room Staff
Crisis Nursery/Crisis Childcare Center
Child Protective Services
Head Start
March of Dimes
Community College Child Study Staff
DOC Child Abuse Training Team (CATT)

PHYSICAL INDICATORS OF NEGLECT

- Constant hunger, poor hygiene, or inappropriate clothing
- Consistent lack of supervision, especially when engaged in dangerous activities over extended periods of time
- Constant fatigue or listlessness
- Unattended physical problems or medical needs, such as untreated or infected wounds

BEHAVIORAL INDICATORS OF NEGLECT

- Begging or stealing food
- Constantly falling asleep in class
- Rare attendance at school
- Coming to school very early and leaving very late
- Addiction to alcohol or other drugs
- Engaging in delinquent acts such as vandalism or theft
- Stating that there is no one to care for or look after him/her

CHARACTERISTICS OF NEGLECTFUL PARENTS

These parents:

- May have a chaotic home life
- May live in unsafe conditions (no food; garbage and excrement in living areas; exposed wiring; drugs and poisons kept within the reach of children)
- May abuse drugs or alcohol
- May be mentally retarded, have a low I.Q., or have a flat personality
- May be impulsive individuals who seek immediate gratification without regard to long-term consequences
- May be motivated and employed but unable to find or afford child care
- Generally have not experienced success
- Had emotional needs which were not met by their parents
- Have low self-esteem

- Is unusually shy, avoids other people including children, seems too anxious to please, seems too ready to let other people say and do things to him/her without protest
- Is frequently late or absent or often comes home from school much too early; hangs around after school is dismissed
- Wears long sleeves or other concealing clothing to hide injuries
- Child's story of how a physical injury occurred is not believable; doesn't seem to fit the type of seriousness of the injury observed

CHARACTERISTICS OF ABUSIVE PARENTS

These parents:

- Seem unconcerned about the child
- See the child as "bad", "evil", a "monster" or "witch"
- Offer illogical, unconvincing, contradictory explanations or have no explanation of the child's injury
- Attempt to conceal the child's injury or to protect the identity of person(s) responsible
- Routinely employ harsh, unreasonable discipline which is inappropriate to child's age, transgressions, and condition
- Were often abused as children
- Were expected to meet high demands of their parents
- Were unable to depend on their parents for love and nurturance
- Expect their children to fill their emotional void
- Have poor impulse control
- Expect rejection
- Have low self-esteem
- Are emotionally immature
- Are isolated, have no support system
- Marry a spouse who is not emotionally supportive and who passively supports the abuse

Review the physical and behavioral indicators of NEGLECT and the characteristics of the neglectful parents.

List three physical indicators of neglect.

1. _____
2. _____
3. _____

List three behavioral indicators of neglect.

1. _____
2. _____
3. _____

List three characteristics found in neglectful parents.

1. _____
2. _____
3. _____

Review the behavioral and physical indicators of PHYSICAL CHILD ABUSE and the characteristics of abusive parents.

Write 5 physical indicators of physical abuse. One answer is done for you.

1. Swelling of the abdomen
2. _____
3. _____
4. _____
5. _____

Write 5 behavioral indicators of physical abuse. One answer is done for you.

1. Seems frightened of the parents
2. _____
3. _____
4. _____
5. _____

Write 5 characteristics found in abusive parents.

1. _____
2. _____
3. _____
4. _____
5. _____

THE ABUSE OF BRIAN

Read the following story and answer the questions.

Carla lives in a large apartment building. Her neighbors, Mr. and Mrs. Schmidt have an eleven year old son named Brian. About three or four times a month Mr. Schmidt comes home drunk. It is during these times that Carla hears her neighbors arguing and after she hears Brian scream and cry. Carla has noticed bruises on Brian after these incidents.

Last night the Schmidts had an argument and today Carla has noticed that Brian has a blackeye and a swollen lip. When Carla asked Brian where he got the bruises he said that he fell down.

What should Carla do?

Should she talk to Brian's parents? If yes, what should she say?
If no, why not?

Should she call Child Protective Services? Why or why not?

Should she call the police?

What would you do if you were Carla and you knew that Brian was being abused?

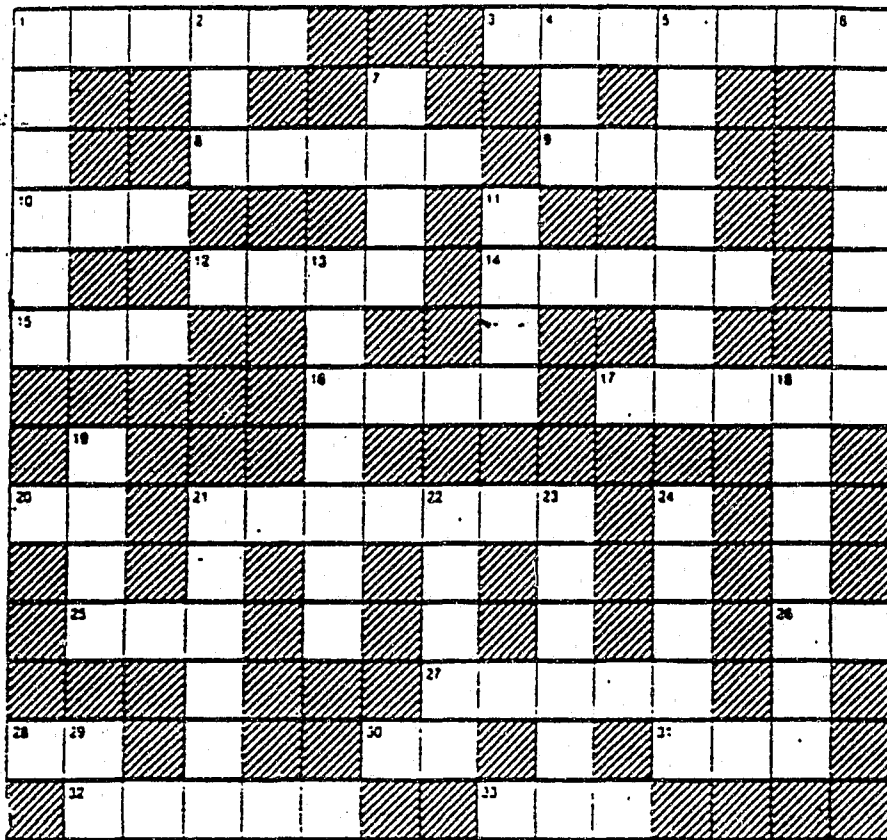
THE ABUSE OF BRIAN - continued

Do you think that Mrs. Schmidt can protect Brian from his father? _____

Why? _____

Do you think that Mr. Schmidt's drinking is part of the problem? _____

Do you think that Mr. Schmidt may abuse Mrs. Schmidt? Why?



CROSSWORD PUZZLE

ACROSS

- 1 Hurting a child is called child _____.
- 3 Danny's _____ saw marks on his arms.
- 3 "Don't" is a short way to say _____.
- 9 Five times two is _____.
- 10 Fifteen minus fourteen is _____.
- 12 The opposite of mean is _____.
- 14 Danny's dad lost control when he got _____.
- 15 Danny's class was going away for the week _____.
- 16 To do something wrong is to _____ a mistake.
- 17 The students had to have their parents sign their permission _____.
- 20 A short way to say hello is _____.
- 21 Danny liked to play with his _____.
- 25 When Dad got angry, he _____ Danny.
- 26 When Danny asked Dad to sign his permission slip, Dad said _____.
- 27 At the end of the story, Danny had a _____ on his face.
- 28 Dad drove Danny _____ the bus.
- 30 When Danny was in Sunday School, he thought, "I wish my parents loved _____."
- 31 A short way to say sister is _____.
- 32 Danny's teacher took him to see the _____.
- 32 The nurse saw both new and _____ marks on Danny.

DOWN

- 1 A case of child abuse can be reported by _____.
- 2 The opposite of happy is _____.
- 4 Danny had to fix food for his sister to _____.
- 5 When Dad got angry, he lost all _____.
- 6 Child abuse _____ must be made to get help for families.
- 7 The social worker met with Danny's parents in their _____.
- 11 Before the trip, Danny's mother put some _____ in his lunch.
- 13 Danny's class was going _____.
- 18 The social worker helped Danny and his _____.
- 19 If Danny's _____ were to come true, his parents would love him.
- 21 Danny's _____ said they would plan a special weekend for the family.
- 22 Danny's radio was making too much _____.
- 23 The nurse called a _____ worker to help the family.
- 24 One day Danny and his friend rode off on their _____.
- 29 Danny had his baseball jacket _____ in class to hide his arms.



Born Drunk-

FAS

Gregory is retarded

Gregory weighed 4½ pounds when he was born. His head, body and eyes were especially small. His hands and feet were misshapen. He was born with the smell of alcohol on his breath. Gregory was born drunk.

For the first year of his life he wailed frequently, apparently in pain. At age two and a-half, he was just learning to walk. He was like a one-year-old in mental and physical ability. A doctor who examined him said Gregory will probably be retarded for the rest of his life.



A longtime suspicion is confirmed

For a long time people have suspected that pregnant women who drink a great deal have a likelihood of giving birth to deformed babies.

Way back, during the time of the Greek Empire, someone wrote that "foolish and drunken women" would give birth to children

College of Physicians reported to parliament that parental drinking is a "cause of weak, feeble, and distempered children."

Doctors in many parts of the world have observed that alcoholic mothers often have babies with birth defects, but it wasn't until 1973 that a name was given to the problem. Doctors at the University of Washington called the abnormalities in babies born to alcoholic mothers, Fetal Alcohol Syndrome or FAS.

Pregnant women take risks if they drink

A 1974 study showed that 17 percent of the babies of alcoholic mothers do not live more than a few days after birth. In fact, some FAS researchers report complications in one of every two or three chronic alcoholics who becomes pregnant. Either they miscarry, or have a baby who either dies soon after birth, or is born with permanent defects.

Of those infants who do survive, nearly 44 percent are mentally retarded or physically deficient. Many are shorter than average and have small heads and eyes. Some have defective hearts, distorted faces, and deformed hands and feet. Almost all FAS children are below average in intelligence. Alcohol is the third leading cause of birth defects and mental retardation in infants....

Baby alcoholics

At Georgetown University Hospital, in Washington, D.C., infants who were born to alcoholic mothers were diagnosed as alcoholics. The infants suffered from the early stages of liver disease and went through the symptoms of alcohol withdrawal in the first one or two weeks of life.

Some infants born to alcoholics, have symptoms of nervousness, crankiness, and tremors. This seems to be the result of damage to the infant's nervous system.

Within the last few years, it has been learned that it is not unusual for a baby to be born with alcohol on its breath when the mother has given birth while intoxicated. The explanation for this is that alcohol is absorbed by the body and transmitted to the unborn baby very rapidly. Therefore, it is found in the baby in the same concentrations as in the mother.

Before birth, an infant's vital organs are not fully developed. The fetus is unable to metabolize, or break down, alcohol. Cell tis-

sue is destroyed by too much alcohol. This is particularly serious during the first three months of pregnancy. Cells are damaged or destroyed. These cells cannot divide and create new cells.

There is no treatment for an FAS child, reports Dr. David Ingall, Professor of Pediatrics at Northwestern Medical School: "The damage has been done before birth." FAS babies can never catch up mentally or physically with normal babies.

Millions of women drink

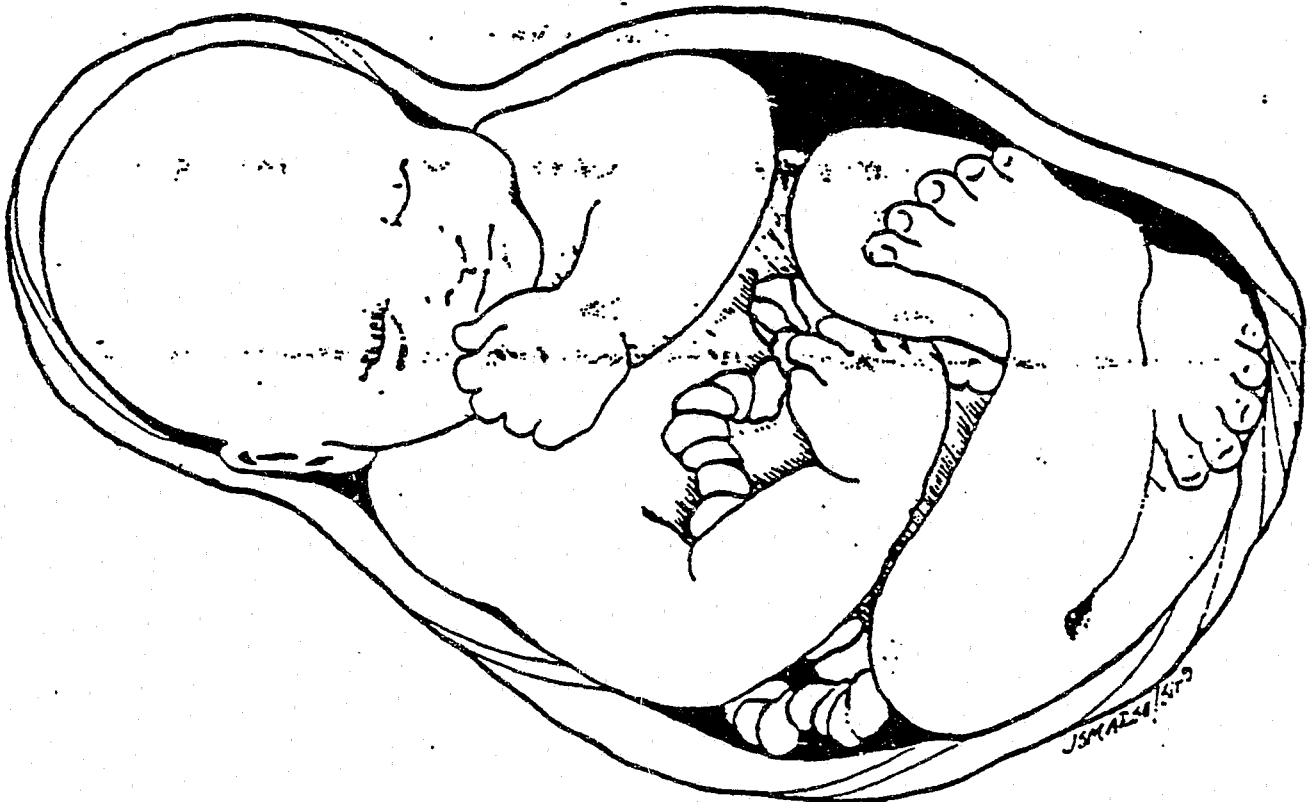
Of the 95 million Americans who drink alcohol, about 10 million are considered alcoholics. At least 2 million of these people are women, half of whom are of child-bearing age. In 1975, a nationwide survey of teen-age

drinking patterns revealed that one-third of all girls are moderate to "heavy" drinkers.

A series of studies on Fetal Alcohol Syndrome shows that pregnant women who have a minimum of six drinks a day risk giving birth to offspring with some or all of the abnormalities common to FAS. If an expectant mother is consuming more than six drinks daily—heavy drinking—the risk is as high as 50 percent, or one out of every two births is likely to have FAS.

One of every five babies whose mothers average four drinks a day were diagnosed as having FAS features to some extent. Over 10 percent of the infants whose mothers consumed from two to four drinks daily show signs of these abnormalities. A University of Washington study also indicated that moderate drinkers—those who average two cocktails a day—produce babies that are smaller than those of non-drinkers.

FAS babies NEVER
catch up mentally or physically
with normal babies



Advice to pregnant women —don't drink

The solution to this problem seems to be clear-cut. Even moderate to low levels of drinking, and an occasional heavy binge at critical stages of development, can harm the growth of the unborn. Ernest P. Noble, Director of the National Institute for Alcohol Abuse and Alcoholism (NIAAA), explains that there is no known safe level of drinking for expectant mothers. Women should give up drinking while they are pregnant.

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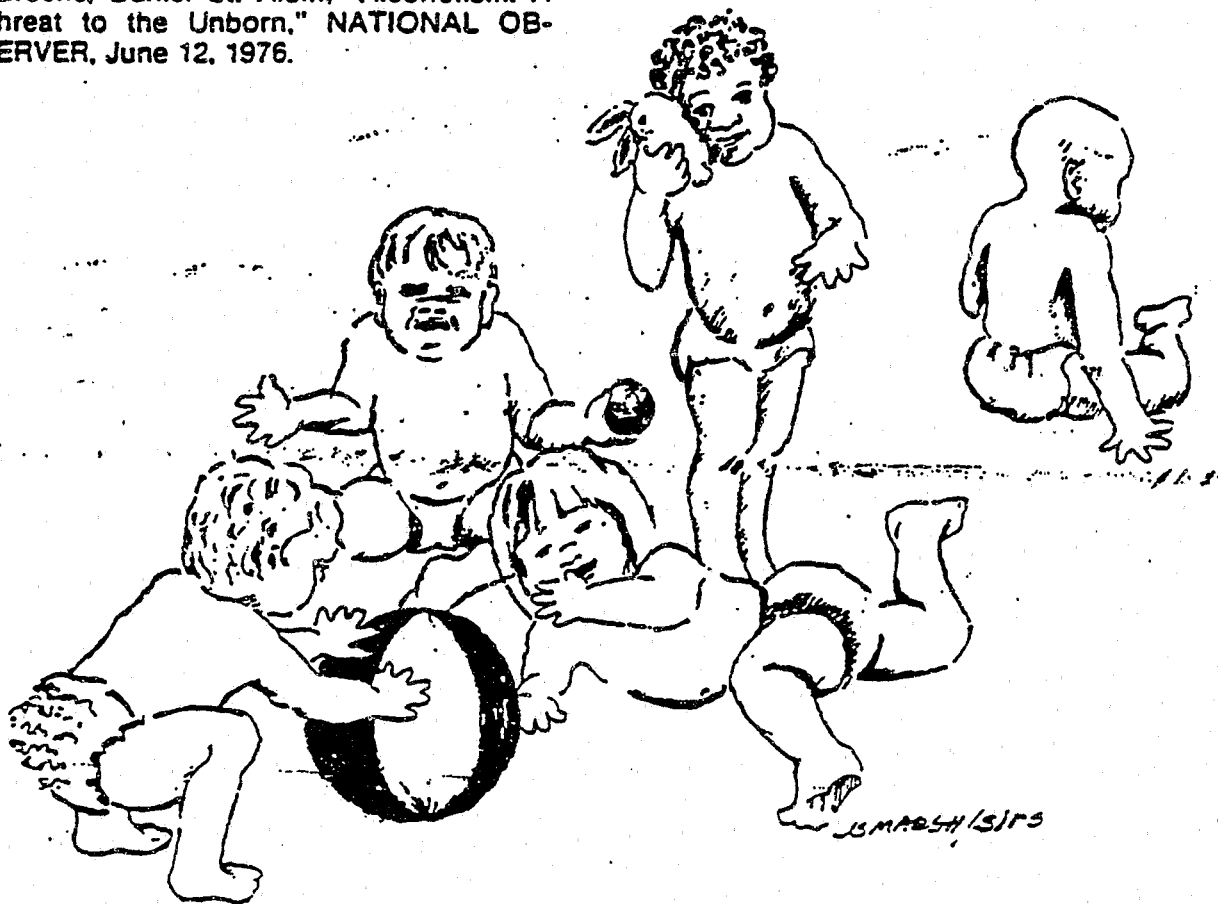
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*A reprint of this article appears in SIRS ALCOHOL Vol. 1.
*A reprint of this article appears in SIRS ALCOHOL Vol. 2.



Read the article, "Born Drunk. F.A.S."

Answer the following questions.

1. What does F.A.S. mean?

2. If a woman is an alcoholic and/or drinks heavily while she is pregnant what effects can this have on her baby. (list at least three)

1. _____

2. _____

3. _____

Re-read the section titled, "Pregnant women take risks if they drink."

Fill in the blanks.

3. A 1974 study showed _____ percent of the babies of alcoholic mothers do not live more than a few days after birth.

Of those infants who do survive, nearly _____ percent are _____ retarded or physically deficient.

Alcohol is the _____ leading cause of birth defects and mental retardation in infants.

If you knew a pregnant woman who drank heavily, what advice would you give her. Explain why you would give that advice.

CHILD ABUSE / SEXUAL

- OBJECTIVE:**
1. To increase student awareness of the range of sexually abusive behavior.
 2. To identify characteristics of sexually abusive parents and the sexually abusive adults.
 3. To teach students to identify physical and behavioral indicators of sexual abuse.
 4. To identify the short and long term physical, emotional and financial effects of sexual abuse on the victims and co-victims.
 5. To identify skills that will enable students to protect their children from sexual abuse.
 6. To provide information about and/or access to community resources that will aid in the habilitation process.

MATERIALS:
Student Handbook
Paper/Pencils
Chalkboard
VCR/television

FILMS:
"Something about Amelia"
"Suffer the Children"
"The Trudy Chase Story"
"Breaking Silence"
"The Necklace"
Oprah Winfrey / Interview Trudy Chase

- OUTLINES:**
1. Define Rape, Molestation, Obscene Phone Calls, Pornography, Boundary issues, and the impact of sexual abuse of children.
 2. Discuss characteristics of sexually abusive adults.
 3. Discuss characteristics of the grooming cycle.
 4. Discuss characteristics of abused children.
 5. Discuss the short and long term medical and psychological traumas of the sexually abused child.
 6. Discuss why children are reluctant to tell.
 7. Discuss some assertiveness and communication skills that can be taught to children.

EXERCISES:
1. Sexual Abuse Indicators

ASSIGNMENT:
1. Write an essay "As a parent, I can prevent Child Sexual Abuse by"

SPEAKERS:
Sexual Assault Center
Child Abuse Agencies
Medical Personnel
Support Groups
Parents United

Sexual Abuse Indicators

NAME _____ DATE _____

Review the physical and behavioral indicators of SEXUAL ABUSE and the characteristics of the sexually abusive parent.

List three physical indicators of sexual abuse.

1. _____
2. _____
3. _____

List three behavioral indicators of sexual abuse.

1. _____
2. _____
3. _____

List three characteristics found in sexually abusive parents.

1. _____
2. _____
3. _____

List two characteristics found in the sexually abusive adult male.

1. _____
2. _____

List two characteristics found in the mother of sexually abusive children.

1. _____
2. _____

Sexual Abuse Indicators

Name _____ Date _____

1. Give (5) reasons/ways that children are taught to be victims.
2. What are three of the myths about child sexual abuse?
3. Why is a child more likely to be abused at home?
4. What are some of the physical signs that a child has been sexually abused?

**CHILD ABUSE
LESSON PLAN**

IMPACT OF CHILD SEXUAL ABUSE ON VICTIMS

Child Sexual Abuse Defined:

For the purpose of this handbook, child sexual abuse includes lewd or lascivious acts with child under 14, and is defined as: Any person who shall willfully and lewdly commit any lewd or lascivious act, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of the child (Section 288, PC).

Sexual crimes committed against children above the age of 14 are exactly the same as the crimes defined in the sexual assault lesson plan. A perpetrator of any of these crimes against a minor may be given additional time added to their sentence under the provisions of Section 667.9 of the Penal Code.

Child Sexual Abuse Goals: The inmate will be able to: 1) develop an awareness of the impact of child sexual abuse on the victim, on the child's family, close friends, and on the community; 2) increase awareness of cause and effect of child sexual abuse; 3) develop respect for the rights of others; 4) become accountable for his/her own actions and break the cycle of violence/victimization.

Areas to be addressed:

- o Accountability (restate pages 11 & 102)
- o Myths and realities of child sexual abuse
- o Physical and behavioral indicators of sexual abuse
- o Characteristics of the sexually abusive caretaker
- o Case examples

CHILD SEXUAL ABUSE

Pre-Test Questionnaire

1. What is child sexual abuse?
2. What impact do you think child sexual abuse has on the victim, the child's family, close friends, and on the community?
3. What do you think causes child sexual abuse? Name three examples.

CHILD ABUSE
LESSON PLAN

4. Who is to blame for child sexual abuse?
5. Do you think child sexual abuse is O.K.?
6. If you were a victim of child sexual abuse, how would it effect you?

Post-Test Questionnaire

Ask the same questions at the end of the child sexual abuse section, using a closed handbook test.

Child Sexual Abuse Special Resources:

Utilize the community-based victim service agencies resource list in the index to invite speakers to address child sexual abuse. Structure their presentation to focus on the impact of child sexual abuse on its victims, alternatives to violence, and accountability. Special attention needs to be given to not allow being a victim of sexual child abuse be a justification for victimizing others. There are usually domestic violence/child abuse and rape crisis centers in your area, or ask the nearest victim/witness assistance center for assistance.

**CHILD ABUSE
WRITTEN EXERCISE**

Review the physical and behavioral indicators of SEXUAL ABUSE and the characteristics of the sexually abusive parent (immediately following).

List three physical indicators of sexual abuse.

1. _____
2. _____
3. _____

List three behavioral indicators of sexual abuse.

1. _____
2. _____
3. _____

List three characteristics found in sexually abusive parents.

1. _____
2. _____
3. _____

List two characteristics found in the sexually abusive adult male.

1. _____
2. _____

List two characteristics found in the mother of sexually abused children.

1. _____
2. _____

**CHILD ABUSE
TEXT**

MYTHS AND REALITIES OF CHILD SEXUAL ABUSE

MYTH: Sexual exploitation of children is rare.

REALITY: One out of every three girls and one out of every four boys will be sexually assaulted at least once before they reach the age of eighteen.

MYTH: Most molestations are committed by strangers.

REALITY: The average child molester is a heterosexual male who is steadily employed and is often married with children of his own. He appears normal in psychological testing.

MYTH: Child sexual assault happens mostly in low-income communities and broken homes.

REALITY: Child sexual assault cuts across every strata of society: in all income levels, ethnic and religious groups, in every community and neighborhood.

MYTH: Children lie about sexual assault.

REALITY: Children almost never lie about such a serious matter. Far too often they remain silent, in fear that they will not be believed. Ninety-eight percent of reported assaults are verified as true; a vast majority are never reported.

MYTH: If a child is too young to learn about sex education, then the child is too young to learn about sexual assault. Rape prevention education is almost the same thing as sex education.

REALITY: Information about sexual assault is not a sex education issue, but a safety issue. Sexual assault is violent, not sexual. Children of all ages must learn to deal with adults who bother them, touch them where they do not want to be touched, or force them to do things they don't want to do. Children are never too young to learn that they have a right to control their own bodies and when and how they are touched.

**CHILD ABUSE
WRITTEN EXERCISE**

PHYSICAL INDICATORS OF SEXUAL ABUSE

Sexual abuse is not often identified through physical indicators alone. Frequently a child confides in a trusted teacher or counselor or nurse that he or she has been sexually assaulted or molested by a caretaker, and that may be the first sign that sexual abuse is occurring.

There are some physical signs to be alert for, however; these include:

- o Difficulty in walking or sitting
- o Torn, stained, or bloody underclothing
- o Complaints of pain or itching in the genital area
- o Bruises or bleeding in external genitalia, vaginal or anal area
- o Venereal disease, particularly in a child under 13
- o Pregnancy, especially in early adolescence

BEHAVIORAL INDICATORS OF SEXUAL ABUSE

The sexually abused child may:

- o appear withdrawn; engage in fantasy or infantile behavior, even appear retarded, have poor peer relationships; be unwilling to change for gym or to participate in physical activities; engage in delinquent acts or run away; display bizarre, sophisticated, or unusual sexual knowledge or behavior
- o state he/she has been sexually assaulted by a caretaker
- o exhibit depression, excessive crying, have overly restricted social activities or overly protective father
- o relate explicit knowledge of sexual acts; exhibit irritability, crankiness, short-tempered behavior
- o have numerous fears-needing more reassurance than usual; clinging to parent or recoiling from parent
- o display appearance of having overwhelming responsibilities
- o have academic difficulties

**CHILD ABUSE
WRITTEN EXERCISE**

CHARACTERISTICS OF SEXUALLY ABUSIVE PARENTS

The most typical type of reported intra-familial sexual abuse is between an adult male, either the father or the mother's sexual partner, and a female child living in the same house. These parents:

- o have low self-esteem
- o had emotional needs which were not met by their parents
- o have inadequate coping skills
- o may have experienced the loss of their spouse through death or divorce
- o may have marital problems causing one spouse to seek physical affection from a child rather than the other spouse (a situation the "denying" husband or wife might find acceptable)
- o may abuse alcohol
- o lack social and emotional contacts outside the family
- o are geographically isolated
- o have cultural standards which determine the degree of acceptable body contact

The adult male:

- o is often a rigid disciplinarian; is passive outside the home
- o does not usually have a police record nor is he known to be involved in any public disturbance
- o does not engage in social activities outside the home
- o is jealous and protective of the child
- o often initiates sexual contact with the child by hugging and kissing which tends to develop over time into more caressing, genital-genital and oral-genital contacts

**CHILD ABUSE
WRITTEN EXERCISE**

The mother:

- o is frequently cognizant of the sexual abuse but subconsciously denies it
- o may hesitate reporting for fear of destroying the marriage and being left on her own
- o may see sexual activity within the family as preferable to extra-marital affairs
- o may feel that the sexual activity between the husband and daughter is a relief from him and will make certain that time is available for the two to be alone
- o often feels a mixture of guilt and jealousy toward her daughter

Caretaker's behavior:

- o Extremely protective or jealous of child
- o Encourages child to engage in prostitution or sexual acts in the presence of caretaker
- o Has been sexually abused as a child
- o Is experiencing marital difficulties
- o Misuses alcohol or other drugs
- o Is frequently absent from the home

**CHILD ABUSE
WRITTEN QUIZ**

Sexual Child Abuse

NAME

Use a separate sheet of paper to write down your answers.

1. Give 5 reasons/ways that children become victims of sexual abuse.

1. _____
2. _____
3. _____
4. _____
5. _____

2. What are three of the myths about child sexual abuse?

1. _____
2. _____
3. _____

3. Why is a child more likely to be abused at home?

4. What are some of the physical signs that a child has been sexually abused?

5. What types of behavior might you see if a child has been sexually abused?

ASSAULT / ROBBERY

- OBJECTIVES:**
1. To increase students awareness of short and long term emotional, physical, psychological and financial impact on the victim and co-victims.
 2. To educate students that assault has the potential to escalate into more serious crimes.
 3. To sensitive students to the additional impacts of assault / robbery on elderly people.
 4. To teach students alternatives to aggressive behavior.
 5. To provide information of and/or access to community based programs.

MATERIALS: Student manual
VCR / Television
Pencils / paper

FILMS: "Attorney General Office - Fraud on Senior Citizens"
"The Golden Years" - KCTS Seattle 9
"The Circle of Violence"

- OUTLINE:**
1. Discuss the immediate effects on the victim of a robbery or assault.
 2. Discuss the long term effects on the victim of a robbery or assault.
 3. Discuss the potential of committing a more serious offense during assault or robbery.
 4. Discuss the physical impairments experienced by the elderly and the greater effect that robbery / assault has on this population.
 5. Define aggressive behavior and discuss the escalation process.
 6. Discuss alternatives to aggressive behavior

- EXERCISES:**
1. Elderly Abuse classroom exercise
 2. "He Grew Old There, Now Fears for Life"

ASSIGNMENTS: 1. "Grandma"

SPEAKERS: Community Mental Health Center
Police Department
Senior Citizens Group
Nursing Services
DSHS

VIOLENT CRIMES
LESSON PLAN

IMPACT OF VIOLENT CRIMES AGAINST PERSONS AND HOMICIDE

Violent Crimes Against the Person and Homicide Defined:

For the purpose of this handbook, violent crime against the person includes willful homicide, robbery, and aggravated assault.

Willful Homicide:

The willful (non-negligent) killing of one human being by another (Section 187 PC).

Robbery:

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence by putting the victim in fear (Section 211 PC).

Aggravated Assault:

An unlawful attack or attempted attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm (Section 240 PC).

Goals: The inmate will be able to: 1) develop an awareness of the impact of violent crime upon the victim, the victim's family, close friends and on the community; 2) increase awareness of cause and effect of his/her own actions; 3) develop respect for his/her the rights of others; 4) become accountable for his/her own actions, and break the cycle of violence/victimization.

Areas to be discussed:

- o Accountability
- o Myths and realities of violent crimes against the person
- o Impact of armed robbery
- o Impact of aggravated assault
- o Impact of violent crime on the elderly
- o Case examples
- o On dealing with a violent death
- o Problems of survivors
- o Survivors of homicide victims case examples
- o Informational bulletin on survivors of homicide victims

VIOLENT CRIMES
LESSON PLAN

VIOLENT CRIMES AGAINST PERSONS AND HOMICIDE

Pre-Test Questionnaire

1. What impact do you think violent crime against the person has on the victim, the victim's family, close friends, and on the community?
2. What impact do you think homicide has on the surviving family members, close friends, and on the community?
3. What do you think causes violent crime against persons and homicide? Name three examples.
4. Do you think that child abuse and exposure to violence is a contributing factor toward violent crimes against the person and homicide?
5. Do you think there is any justification for committing a violent crime against a person or homicide? Why or why not?
6. If you were a victim of a violent crime, how do you think it would effect you?
7. If an immediate family member or friend was murdered, how would it effect you?

Post-Test Questionnaire

Ask the same questions at the end of the violent crimes against persons and homicide section, using a closed book test.

Violent Crimes Against the Person and Homicide Special Resources

Utilize the community-based victim service agencies resource list in the index to invite speakers to address violent crime against persons and homicide. Structure the presentation to focus on the impact of violent crime and homicide on victims and survivors and accountability. There may be a chapter of a survivor of homicide support group in your area or ask the nearest Victim/Witness Assistance Center for assistance.

**VIOLENT CRIMES
ACCOUNTABILITY**

ACCOUNTABILITY

Violent crimes against persons and homicide have a serious impact on victims and survivors. The physical effects of violent crime against persons are always traumatic. Many injuries are serious and often permanent. The injuries are always a painful reminder of the crime. For homicide survivors, their final memory of their lost loved one is always of a violent death.

There is severe emotional trauma imposed on victims of violent crime and homicide. The trauma will change the victims' lives forever. Many lose a sense of security and control over their lives. They may question why they were chosen as victims. Many have dreams and flashbacks for a long period of time after the crime has taken place. Many victims and survivors need counseling to deal with the trauma from being a victim of violent crime or from the loss of a loved one.

Violent crime and homicide inflict serious economic trauma for victims and survivors. Participating in the criminal justice system is time consuming and expensive for victims. Counseling services are hard to find and expensive. Many victims of violent crime and survivors of homicide have to take time off from work due to physical injuries and/or emotional trauma, and many lose their jobs. There are many economic hardships placed on victims of violent crime.

No one has the right to commit a violent crime against a person or to murder someone, regardless of one's circumstances. Put yourself in the place of a violent crime victim and a survivor of homicide and imagine how you would feel.

VIOLENT CRIMES
TEXT

MYTHS AND REALITIES OF VIOLENT CRIMES AGAINST PERSONS

- MYTH: In the instance of homicide, after the crime is committed, there are no victims.
- REALITY: The homicide victim leaves behind many close family members and friends (survivors), all of whom have become victims of the murder.
- MYTH: Survivors of homicide victims easily "get over" the loss of their loved one and the loss has no impact on their lives.
- REALITY: Survivors of homicide victims are emotionally devastated due to the loss of a loved one. Many of their lives are dramatically changed forever due to the loss and bitterness over what happened. Imagine how you would feel if a close family member or friend had been murdered.
- MYTH: Assaultive behavior is a healthy means of handling a dispute.
- REALITY: There are many healthy alternatives to violence. Assaultive behavior is not healthy; it is a demonstration of inadequate coping and interpersonal skills.
- MYTH: Once someone is a victim of a violent crime, the trauma to the victim ends once the crime has been committed.
- REALITY: Victims of violent crime often suffer severe long-term emotional trauma. Many lose a sense of control and safety in their lives and need long-term counseling and support to cope with their trauma.
- MYTH: There is no economic hardship imposed on victims of violent crime.
- REALITY: Victims of violent crime often suffer severe economic trauma. The cost of private counseling and the expense to victims of participating in the criminal justice system can be very financially burdensome.

VIOLENT CRIMES
WRITTEN EXERCISE

ARMED ROBBERY

Most victims of armed robbery experience at least one common emotion during the robbery, one of great fear for their lives. Many victims report that they were sure their assailants intended to kill them after they had completed the robbery.

It is not uncommon for the victims to be assaulted, to have obscenities shouted at them and in some extreme cases, murdered. The robber may instruct the victim to kneel, lie face down, tie them up or lock them in a back room, all adding to the victim's fear of harm or execution.

Victims report that the suspects often seem unstable, agitated, angry, under the influence of drugs and/or alcohol and that their shouted commands were threatening and difficult to follow. If a suspect appears unstable and irrational, this will only add to the victim's fear and anxiety during the robbery.

Victims report that after they have survived an armed robbery they continue to feel and experience:

- ___ fear
- ___ anger
- ___ shock
- ___ inability to sleep
- ___ nightmares
- ___ inability to return to work
- ___ lack of concentration
- ___ guilt (that they did not try to prevent the robbery)

After reading the following page about the armed robbery of Joe, describe some feelings and experiences he may go through following the robbery.

VIOLENT CRIMES
CASE EXAMPLE

Read the article, "He Grew Old There, Now Fears for Life".

ANSWER THE FOLLOWING QUESTIONS

1. Do you believe that Mr. Elliott handled the situation the best? Why?
2. How old was Mr. Elliott? _____
3. Do you know anyone that you think is old?
Who?
How old are they?
4. What usually happens to people when they get old?
5. What would you have done if you were Mr. Elliott?
6. Should Mr. Elliott move? Why?
7. What emotional and financial impact do you think the shooting will have on Elliott, his family and other elderly people who hear of the situation?

He Grew Old There, Now Fears for Life

One night of terror has left a 94-year-old Delaware farmer with a cruel decision . . . to live in fear of a prowler's return or leave his home of 73 years.

By CHARLES LAYTON
Knight Newspapers Writer

BRIDGEVILLE, Del. — At the age of 94, William H. Elliott Sr. found himself engaged in a life-or-death struggle recently with a midnight prowler who wrested the old farmer's shotgun away from him and tried to kill him with it.

Elliott's experience was the nightmare of anyone who ever spent a moonless night alone in a country house.

He discovered the intruder trying to enter through the bathroom window and traded gunfire and bits of hostile conversation with the man for nearly two hours. Then he waited in fear until well after sunrise.

All the while, Elliott was unable to call for help because the prowler had cut the phone lines.

"I was scared all along," he said. "I knowed when these robbers comes in, if they don't get what they want they'll kill you anyhow — beat you up, torture you to death."

SO WHILE an unknown enemy stalked him with his own shotgun, Elliott was forced to cringe all night in the darkness of his bathroom — barefoot, pajama-clad, his palsied hands desperately clutching an old 22-caliber rifle for protection.

Since 1962, when his second wife died, Elliott has lived alone in this old gray house four miles from Bridgeville.

"I had to get up (to go to the bathroom) around 12 o'clock. And I got a couple of little kittens out there in a box, and I heard something. I thought it was them."

...Reprinted from
MIAMI HERALD,
June 18, 1975,
Pages 1-D and 2-D

"Then I got back in bed, and I heard it again. It was a little louder. And then I got to the kitchen door, and heard a man push the window up in the bathroom.

"I heard him push the window up, and I run out and boomed at him, told him to get away from here. 'Don't come in here,' I said."

ELLIOTT SAID that the intruder answered in a strange, unnatural whispering voice: "He said, 'I want some money.' I said, 'Now you get away,' and I said, 'I haven't got any money.' I said, 'Now you get away from me or I'll shoot you.'"

And then, Elliott said, the intruder made a strange reply. He said, "Thank you."

Creeping away, Elliott fetched his .310 gauge shotgun and returned to the window.

He heard a movement outside, and fired through the pane, shattering glass onto the lawn.

Then a stillness. And again the sound of movement outside.

Again there was movement at the bathroom window. "I thought I saw him sticking his head up," Elliott said, "and I just hauled off and punched the gun right through the glass and all."

"He grabbed my gun barrel, pulled me, slammed me up against the window — bumped my head and cut my hand and arm on the glass."

"He took the shotgun. I couldn't hold it."

AT THIS POINT, Elliott realized he was in worse trouble than ever. His enemy was armed with the shotgun now.

Elliott's right hand was bleeding from the glass cuts, his forehead pounded with pain, and during the struggle he had jammed his knee against the wall and injured it.

"I was all a-tremble. Just perspiring and sweating," he said.

But he composed himself and slipped off to the bedroom to retrieve an old .22-caliber rifle and some bullets.

Then, padding back to the bathroom again, he sat still in a chair six feet from the window, waiting, leveling his rifle at the spot where he last had seen movement.

"As he stuck his head around there, I was gonna pull the trigger," Elliott said. "And I sat there till I got a little tired."

"And I thought to myself, 'I'll get up and stand over there.'"

As Elliott leaned forward and started to stand, fire flashed at the window and a thundering boom shook the room. The prowler had aimed for Elliott's head and barely missed. The load of shot tore a hole in the wall six inches behind him.

"It's a thousand wonders that I didn't have a heart attack," he said. "And it's a wonder I didn't lose my head. I knowed it was life or death. I knowed I had to out-do him or he was gonna kill me."

THE PROWLER tried to draw Elliott's fire by moving a board slowly across the window. Elliott shot at the movement. The next day the board, with a bullet hole through it, was discovered on the ground outside the window.

The night was cloudy and moonless, and Elliott squinted through his thick glasses at the shadows outside, staring a long time at a black clump across the yard.

He decided it was the squatting figure of a man, and he fired at it.

It was a bush.

Suddenly, 15 or 20 minutes later, the silence was disturbed again by a shotgun blast and a violent chat-

tering of glass at Elliott's back.

The prowler had sneaked around behind the house and fired through the kitchen window above the sink, blowing glass all the way into the far bedroom.

That was the prowler's last shotgun shell, Elliott knew, but he had to assume the man might also be armed with a pistol or some other weapon.

For the rest of the night Elliott stood tensed against the bathroom wall, listening and watching for moving shadows.

"I tell you, I was glad when sunrise came," he said. "But I never laid down. I stayed right there and watched.

"I never opened that front door to go out until 8 o'clock in the morning."

At 8 o'clock, Elliott walked out to the road and flagged a passing car. The ordeal was finally over.

BUT THE old man's experience has left him now with a cruel decision: To live in fear of the prowler's return, or to move from the home where he first came as a newlywed.

In choosing, Elliott must consider a woman in nearby Milford who was strangled in her home last January with no apparent motive and no evidence of burglary or sexual assault.

A month before that, an 80-year-old man was found shotgunned to death in his isolated farmhouse only 20 miles from Elliott's place.

And a month before that, a country storekeeper was brutally murdered in the same vicinity.

With such crimes on the increase in that area, Elliott's children suggest that it is no longer safe for their father to live alone.

"But this has been my home for 73 years," Elliott replies, "and if I have to leave this place I'd rather go to my grave."

But then he pauses reflectively, and says, "I've got to do something, though. I'm afraid this fellow will come back and kill me."

ELDERLY ABUSE - CLASSROOM EXERCISE

Goal: To become more sensitive to the problems which come with sensory loss.

Table 1 - Coordination

1. Dunk your non-dominant hand in ice water until it is uncomfortable.
2. Using your non-dominant hand, write your:

Name _____

Address _____

and the feelings you experienced in this exercise:

Table.2 - Visual

1. Wear eyeglasses
2. Walk a short distance with your partner.
3. Write your feelings about this experience with your non-dominant hand.

Table 3 - Auditory

1. Put cotton balls in both ears.
2. Talk with your partner for three minutes.
3. Write your feelings about this experience with your non-dominant hand.

ELDERLY ABUSE - CLASSROOM EXERCISE - cont...

Goal: To become more sensitive to the problems which come with sensory loss.

Table 4 - Gustatory

1. Close your eyes and pinch your nostrils.
2. Partner will give you your tastes of the different foods,
3. Write your feelings about this experience with your non-dominate hand.

Table 5 - Touch

1. Place baggies over both hands.
2. Lace and tie a shoe.
3. Write your feelings about this experience with your non-dominate hand.

Answer this question: What do you think it might be like to be old?

VEHICULAR HOMICIDE

- OBJECTIVE:**
1. To increase the students awareness of the emotional, psychological and financial burdens faced by family and friends of homicide/vehicular homicide victims.
 2. To develop student awareness of the power and importance of victim groups and victim impact statements.
 3. To educate students concerning prevention measures and responsibility.
 4. To provide information about and/or access to community-based programs that will aid in the habilitation process.
- MATERIALS:** Student Manual
Paper/Pencils
Chalkboard
VCR/television
- FILMS:** *"Reach Out"*
"Sentenced for Life"
"Deadliest Weapon in America"
"Target - (passive aggressive behaviors)"
"Victims of Crime: Silent No More" (last two segments)
"Candy Lightner Story"
- OUTLINES:**
1. Discuss how passive, aggressive, and assertive behavioral patterns influence decision making.
 2. Discuss the problems of co-victims in dealing with the loss of friends or family members through violent death.
 3. Discuss the stages of grief.
 4. Discuss the financial, emotional and physical impact.
 5. Discuss support groups (i.e., MADD) started by one victim.
- EXERCISES::** Brainstorm how passive, aggressive, assertive behaviors impact decision making.
1. MADD Inventory
 2. Let's talk about alcohol, death, disability and grief
 3. Vehicular Homicide scenario
- ASSIGNMENTS:** Read an article on MADD and write about the impact the organization has had and how this affects you.
- SPEAKERS:** State Highway Patrolman
Offender - who committed vehicular homicide
Victim Impact Panel
Emergency Room Nurse
Mothers Against Drunk Driving (MADD)

MADD INVENTORY

1. Was the MADD program informative ____ What new did you learn?

2. What questions do you have about driving under the influence that were not covered in the program? _____

3. What is the difference between impairment and illegal intoxication? _____

4. Do you think the new laws are fair? ____ Why/Why not? _____

5. What's the number one drug of choice? _____

6. Have you, a friend, or someone in your family ever been involved in an alcohol-related crash?
 yes no; were they: ____ drunk driver; ____ victim; ____ survivor.
7. How has that affected your attitude about drunk drivers? _____

8. Did the program change your attitude toward drinking and driving? _____

9. Have you ever discussed this issue with your family/friends? _____

10. Do you think beer commercials on TV influence people's choice of beer? yes no How?

11. If you had a choice at a party, would you pick a drink that was nonalcoholic, beer, a wine-cooler, or hard liquor? _____
12. Do you feel pressured into drinking if all your friends are? _____
13. The next time you're partying, would you consider one of the following alternatives to driving home:
Designate a driver yes no Call a cab yes no
Call your family/friends yes no Call SAFE-RIDES yes no
Sleep over yes no Take the keys away yes no

4. Keeping in mind the grief you might be feeling, look over the mortuary's schedule of fees and select burial arrangements:
 - a. Are you making decisions based upon what you want or on what your loved one wanted?
 - b. How do you arrange for a cemetery plot, urn, grave marker, etc?
 - c. Will there be a clergyman, music, flowers, etc?
 - d. Who pays the bills? How?
5. Why does MADD believe that drunk drivers who kill someone should face murder charges?
6. Why does MADD call a collision involving a drunk driver a "crash" not an accident?
9. Describe the difference between passive, assertive, and aggressive.

VEHICULAR HOMICIDE SCENARIO

Marcie and John have been at a party. John has been drinking heavily but insists he can drive home.

On the way home, John runs the car off the road and rolls it. Marcie is thrown from the car and killed. John is severely injured but survives.

1. Whose fault is this accident?
2. What do you think should happen to John?
3. How do you think John feels?
4. Does John have any responsibility to Marcie's family? Explain:
5. Read the material on drunk driving.

HOMICIDE

- OBJECTIVE:**
1. To identify the long term physical, emotional, psychological effects of homicide on the co-victims.
 2. To identify the stages of grief.
 3. To provide information about and/or access to community resources that will aid in the habilitation process.
- MATERIALS:**
- Student Handbook
Paper/Pencils
Chalkboard
VCR/television
- FILMS:**
- "Shadow of a Dream, The Indiana Murders"*
"The Shaun Willette Story"
"Victims of Crime: Silent No More"
"Victims Have Rights Too!" (Segments T. Tobis & M. Gilliland)
"48 Hours" - Victim Power (Murder) Parole Segment
- BOOKS:**
- "On Death and Dying"* by Elizabeth Kubler-Ross
"There are No Time for Goodbyes" by Janice Harris-Lord (MADD)
"Beyond Sympathy" by Janice Harris-Lord
"Grief by Homicide" by Families and Friends of Missing Persons and Violent Crime Victims
"Kids and Guns"
- OUTLINES:**
1. Discuss the short and long term emotional physical, psychological and financial impact on co-victims.
 2. Define and discuss post-traumatic stress disorder (PTSD).
 3. Define and discuss the stages of grief: denial and isolation, anger, bargaining, depression and acceptance.
 4. Discuss impact of loss of a child.
 5. Discuss the use of weapons in homicide cases utilizing statistical data.
 6. Discuss preventative measures.
 7. Discuss the role of the media and its impact on co-victims.
 8. Discuss the co-victim role in the justice system.
- EXERCISES:**
1. Monthly personal income statement worksheet
- ASSIGNMENTS:**
- Brainstorm: Assume the role of a surviving Winston family member and write a victim impact statement.
- SPEAKERS:**
- Families and Friends of Missing Persons and Violent Crime Victims
Victim Support Groups
Homicide Detective
Grief Counselor/Hospice
Funeral Directors
Co-victims

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VICTIM/OFFENDER PROGRAMS

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VICTIM/OFFENDER PROGRAMS

Introduction

Over the last ten years, many corrections professionals have joined forces with victim advocates to implement creative, cost-effective programs which bring crime victims and offenders together. The purposes of such programs are two-fold: first, they give both parties an opportunity to discuss and listen to each other's views about the criminal incident. Second, these programs can help determine conditions of the offender's supervision, including restitution, community service and fines.

An innovative program initiated by the California Youth Authority in 1986 helps youthful offenders understand exactly how their criminal activities affected their victims and others touched by their crimes. "Impact of Crime on Victims" classes have been replicated successfully in several states. Guidelines for establishing "Impact" classes are included in this notebook.

The common theme of all victim/offender programs is **accountability**. When an offender is held accountable for his or her action, the victim feels that justice is, at least partially, served. Accountability is also a key factor in efforts to rehabilitate offenders.

The following chart indicates the type and number of victim/offender programs now in existence:

<u>Type Of Program</u>	<u>Adult</u>	<u>Juvenile</u>	<u>Parole</u>
Mediation	5	8	0
Conciliation	5	5	0
Victim Impact Panels Or Classes	10	8	3
Confrontation	5	4	1
"Impact Of Crime On Victims" Programs	5	4	1
Other	36	21	37

Victim - Offender Mediation

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U.S. Association for Victim-Offender Mediation

INTRODUCTION

Each year one issue of Victim-Offender Mediation is devoted to exploring in-depth a special topic through a series of thematically linked articles. In the past this has included such topics as the role of women in victim-offender reconciliation and the use of follow-up meetings as an effective mediation technique.

Realizing that there are many new members in the Association who may not necessarily share the same sense of history concerning developments within the movement as others, we have decided to engage in a bit of retrospection. In an effort to share in this issue some of the key developments and topics that have emerged over the years in victim-offender mediation and reconciliation programs, we have selected from among the best articles that appeared in Victim-Offender Mediation and its predecessor The VORP Network News over the past seven years.

The reader will find a wide range of topics represented here — reflecting, perhaps, the diversity of the movement itself. We have included articles on practice, evaluation, historical development, and theoretical speculations. While these articles may not be the definitive or final word on the subjects they explore, we do feel that they represent words worthy of a wide audience — to those both within the Association and those with whom we collaborate and explore new models of justice.

As always, your response is both welcomed and encouraged ...

— John Gehm

VORP: A BEGINNING

Two young men from Elmira, Ontario could hardly have known their willful damage of property would be a catalyst to give birth to an idea five years in formation.

On May 22, 1974, Mark Yantzi, a Kitchener, Ontario probation-parole officer for the Waterloo Region, met with area Mennonite merchants to talk about shoplifting. Mark recalls the focus of the meeting being, "Is this an area the church could do something with?"

The now famous Elmira case, of course, came up for discussion. The youths had done damage to 22 properties. "Wouldn't it be neat for these offenders to meet the victims," Mark said to the group. "I knew that didn't happen, that it was a pie in the sky idea. But it was a safe audience so I said it and then dropped it. I went on with the pre-sentence report I had prepared."

Another participant in the meeting, Dave Worth, was ready for the pie in the sky idea. He liked the practical peacemaking implications of offenders and victims getting together. Mark,

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"Editor, *Victim-Offender Mediation*."

VORP: A Beginning

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however, did not think such an idea had any chance with the judge. Mark recalls feeling the tension of, "Do I want to risk my reputation in suggesting a negotiated settlement between victims and offender that has no basis in law?"

On May 28 the two youths each pleaded guilty to 22 different charges, including damaging cars, slashing tires, and breaking windows. Two churches and the Brewers Retail Store were included in the properties damaged. The judge remanded them out of custody while Mark prepared presentence reports on the two young men.

Neither had any prior criminal record. Mark gained a favorable impression of the youths from the interviews. Because of the large number of people involved in the case, Mark suggested in his report that "some therapeutic value" could come from a "confrontation" between the offenders and the offended. The established way of dealing with the offender left out the possibility of what Mark and Dave and others had been searching for — a way not only to give the victim a face but, face-to-face with a mediator, give victim and offender a chance to establish restitution and perhaps be reconciled.

Mennonite Central Committee (Ontario), the provincial chapter of a national and international social service agency of the Mennonite and Brethren in Christ Churches, had been probing for alternatives to the criminal justice system. In 1968 they appointed a study committee to come up with a non "bricks and mortar" concept for dealing with offenders. "We felt the criminal justice system simply could not sustain the number of people it was putting away," recalls then Task Force chair, Doug Snyder of Waterloo, Ontario. "We wanted to try to bring into reality a way for our congregations to be more involved in the 'hands on' way of meeting human need."

When Mark Yantzi walked into Doug's office in 1968, Doug said, "We need a pioneer. Do you have the interest?" He adds, "The answer from Mark and Glenn (his wife) was 'yes'." Negotiations with the Ministry of Correctional Services led to Mark's placement as an MCC supported volunteer with the Waterloo Region Probation Department in 1969. He was assigned to develop community programming. What community programming meant was that Mark and Doug met once a week over lunch "to figure out the next move," Doug says. The idea of reconciling parties with disputes outside of the court process was not yet part of the discussion. Mark's work focused at this stage on organizing volunteers to help in probation. Within a year of starting the assignment, Mark accepted the offer to fill a vacancy as probation-parole officer with the understanding that he would continue to be a resource to the MCC Task Force. Dave Worth became the MCC-appointed volunteer coordinator to continue the development involvement with the Ministry of Corrections.

The MCC Task Force in the years up to 1974 continued to think about how forgiveness and starting over without forgetting the past could be a central concept in an alternative to the criminal justice system as it was operating. On the one hand rested the people resources of the congregations; on the other, the realization that people need community to become whole. How would the two be brought together?

The search for an alternative ranged from examining existing church and non-church programs aimed at working with inmates and exmates, to visiting building programs that emphasized diversion — the parties in a dispute working out a solution outside of court through community mediation.

During the years 1969-74 the Task Force effort received the full support and encouragement of Mark's superior, John Gaskill, who was familiar with British penal reform of the early 70's in which experimentation was being done with community service sentences for certain offenders.

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VORP: A Beginning

(continued from page 2)

Judge Ross Fair, then a family court judge, also gave support in providing orientation for some of the volunteers Mark and Dave found in the churches. Task Force members, consultants, and volunteers themselves helped give shape to an idea that was about to be born — an idea that had reconciliation as its goal.

The sentencing judge, in the Elmira case, Judge McConnell, was not immediately enamoured with the idea of "therapeutic value." One of his first responses was, "That can't be done," Mark recalls of the meeting in the judge's chamber. Yet the face-to-face meeting of offenders with victims to work out restitution is what Judge McConnell ordered.

Accompanied by their probation officer or the MCC volunteer coordinator, the boys knocked on the doors of the 22 people who had suffered willful damage at their hands. They were able to contact all but two, who had moved. "Our approach was pretty brutal in those days," Mark recalls. "We walked up to the door. They (the boys) knocked. We stood back with our note pads."

The judge had ordered the boys to find out how much damage they had committed, tally the amount minus what insurance had been paid, and report back. They discovered that the victims had an uninsured loss of \$1065.12. Some were not interested in further financial redress, others accepted the offer of the boys to help repair the damage.

On August 26, 1974, the boys reported their findings to the judge. They were fined \$200 each and placed on probation for 18 months. The judge made it a term of their probation that each would make restitution of \$550 within three months, to be paid as arranged by the probation officer. It was the first sentence of its kind.

The disposition of the case had just opened what came to be called the Victim-Offender Reconciliation Project, later Program.

Judge McConnell brought to the sentence and the idea something only a judge can give — "Bench sense." In his five years as a judge he had taken a different tack in sentencing in two cases, he said. In the first he ordered a youth to prepare a report of theft in the schools, "for the sheer purpose of finding some other alternative that was available." When the judge got the report back he was astounded at the spelling. "I told the lad, 'I'd like you to go home and correct the spelling'. The assignment hit the national media."

In another case Judge McConnell sentenced a youth who had damaged a car to work at the car wash on Saturday mornings. "I wanted the individual to really experience and understand what he had done. The fine was related to being penalized for breaking a law." Many times, Judge McConnell said, all persons need is "one little bit of right direction at the right time and they are kept out of the court system forever."

What does Judge McConnell say to the role of the church in keeping persons out of the courts and out of prison? "The church has less influence on the world today than it ever had," he said. The church's influence on the average person, particularly in the area of teaching and showing "Do unto others ...," he said, "doesn't seem to be a major factor at all anymore."

What does the executive director of Mennonite Central Committee (Ontario) say about the church taking a different track in risking its love and reputation in working alongside the criminal justice system? The director, Ray Schlegel, sees the church's theological stance as keeping it from being co-opted. The church's calling, he said, has to do with applying "Christian principles to the areas that affect society's weak, broken and maladjusted. MCC as a Christian resource for meeting human need works out that challenge not just overseas but in our North American society as well where the brokenness shows up in courtrooms and prisons."

VORP. It's an idea that a diverse lot of people got started. It's an idea that calls the courts and the churches into an open-eyed cooperation. It's an idea that reconciled folks from Elmira, Ontario to the far reaches of North America and overseas might say belongs to God.

— John Bender, Fall 1984

VORP SPREADS TO THE UNITED STATES

— PART II —

The Victim-Offender Reconciliation Program developed from the cooperation of church and criminal justice people concerned about finding a better way to administer justice — if not a better justice. But would the church's concern for the well-being of the community through reconciled relationships have anything to offer a system based on adversary relationships? The VORP idea developed from discussions among individuals and agencies concerned with involving the victim, the offender and the community in a system of justice that sought a restoration of broken relationships, not retribution, not incapacitation, not rehabilitation, not anything else. Nothing else seemed to be working very well.

In May 1974 two first-time offenders in Elmira, Ontario did about \$2,200 damage to 22 victims. Judge G.H. McConnell accepted the suggestion formulated by Mark Yantzi, a probation and parole officer, and Dave Worth, Mennonite Central Committee Coordinator for Offender Ministries, that "there could be some therapeutic value in these two young men having to personally face up to the victims of their numerous offenses." Judge McConnell remanded the case for three months to allow the offenders to meet with the victims to determine the form and method of restitution. The offenders, in the company of either Yantzi or Worth, met with all but two of the victims, who had since moved, to talk over making right the damage they had done. The boys were then ordered by the judge to make the money or work restitution as agreed with the victims. After six months they had completed restitution.

The normal procedure for court-ordered restitution would have had the boys pay through the court office. The restitution, however, would have appeared more like a fine rather than repayment for a loss. Here, the boys had to face and "fess up" directly to the people they had victimized. One-to-one, assisted by a third party community volunteer, victim and offender worked through the personal and physical implications of the breach in community that crime represents. Their mutual acts in making right the

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VORP Spreads to the United States, Part II

(continued from page 3)

wrong not only opened the door to reconciliation, but strengthened community life.

Partly on the success of the Elmira case, MCC Ontario, the provincial relief and service organization of Mennonite and Brethren in Christ churches, in its November 1974 annual meeting endorsed the formal development of a victim offender reconciliation project. During 1975 Mark Yantzi and Dave Worth wrote and tested the proposal. The project received the official support of the Ontario Ministry of Corrections and by summer 1975, VORP received its first referrals. In November 1975, funded through a federal grant, the project committee hired two staff members to research effective mediation methods while also mediating VORP cases. For almost four years the Ontario Ministry of Correction Services and MCC shared in the cost of the staff. In the spring of 1980, the Ministry contracted with MCC to provide VORP services in the Waterloo Region. VORP continues there along with new programs — Victim/Witness Services and Community Mediation Service — as a community-based program under the umbrella organization, Community Justice Initiatives of Waterloo Region. It is administered by a steering committee representing the Ministry of Correctional Services, MCC and the community. (The VORP office is located at 27 Roy Street, Kitchener, Ontario N2H 4B4.)

VORP SPREADS STATESIDE

Various individuals and agencies in Elkhart County, Indiana, in the mid-seventies were becoming increasingly aware that business as usual in the criminal justice system meant mainly more prisons, harsher sentences and an overburdened court system. In the Elkhart Probation Department, Steve Miller, Chief Probation Officer, and others were talking about restitution and other alternatives that would more directly address the needs of both offenders and victims. Also locally, Ron Gunden, the director of Youth Village, then a group home for boys in Elkhart, sponsored by Mennonite Board of Missions as part of its national child welfare program, was looking for more effective non-punitive support services. Gunden and others saw that many of the kids in the group home setting "almost seemed driven to take the system to the limits." They seemed bound, Gunden recalls, "for no apparent reason to blow their freedom after detention." Gunden adds, "It occurred to a number of us that the system had no provision for the kids to go and make things right, like it used to be when we tossed a baseball through a window." The act of making restitution, aided by parental encouragement and the opportunity to say, "I'm sorry," Gunden says, cancelled the offense rather than leaving it hanging, only to accumulate. The climate was right for change.

A sequence of events brought the Ontario VORP experience to bear on the developments in Elkhart. The consultant for Offender Ministries for Mennonite Central Committee in Canada and the U.S., Edgar Epp, spent September 28 through October 3, 1976 in the area to discuss offender ministries with various Mennonite groups and students. Arrangements coordinator, Earl Sears, Pastor of Southside Fellowship in Elkhart and then chair of the Peace and Social Concerns Committee of Indiana-Michigan Mennonite Conference, knew people in the Elkhart Probation Department were working on new ideas. He arranged for Epp to meet with probation staff. Epp described the victim-offender effort underway in Kitchener, Ontario.

A year later, on October 3, 1977, Lonnie Buerge joined the Elkhart Probation Department as juvenile intake officer with half-time assigned to organize a victim offender reconciliation process within the juvenile department. During the same time two students from Associated Seminaries approached the probation department with the suggestion the VORP cases be referred as a class project in the seminary course, "Conflict Management." The students, Ron Kraybill and Joe Miller, did three VORP cases that fall and wrote a paper on the experience. Kraybill, who had visited the Kitchener VORP, says if the probation officers "had not been so receptive, it would never have worked."

The Elkhart Probation Department under the Superior Courts set up VORP formally on a small scale beginning in January 1978, limiting cases primarily to property crimes and concentrating on juveniles. Buerge, now living in Kansas City, recalls attending a symposium on restitution in Minneapolis and in discussion mentioning the Elkhart Probation Department's efforts. A CBS producer who was present wanted to do a feature on what was then seen as a radical approach in having victim meet offender face to face. CBS subsequently came to Elkhart and at Associated Mennonite Biblical Seminaries filmed a VORP meeting between two victims and an offender and mediator Joe Miller. The segment, however, never aired. Rather than the fiery confrontation the producer expected, the film of the VORP meeting showed people sitting down together and working out an agreement.

Although the number of cases which could be handled was limited, successes occurred and encouraged those involved to consider expansion. Expansion, however, depended on the program being controlled and operated from a community base. The transfer of VORP to such a base began in the fall of 1978 with the board of the House of Simon II, Inc., a non-profit organization working with released offenders in Elkhart, made its executive director, Howard Zehr, available half-time to help in organizing and operating the program.

Zehr believed that VORP needed to have a base independent of the probation department. His study of crime in nineteenth century Germany and France and his prison related work in Alabama had made him "so cynical about the system" that he believed an effort such as VORP could only work with a community base. He was equally as certain that the thing to do was not just create another Mennonite church program. The question was, how could Mennonites and other church people get deeply involved in an alternative program "but not think we own it," he says. How could VORP be-in-but not-of-the system?

During the fall of 1978, Zehr searched out a community base, developed a case management system and began to train volunteers to mediate cases. He also got a small advisory group together to help think through, "how to get the thing going." Zehr, through an ex-offender, discovered a non-profit, community oriented corrections organization, Prisoner and Community Together (PACT), located in Valparaiso, Indiana. In early 1979, Elkhart VORP became an affiliate of PACT, Inc. VORP became Elkhart County PACT and in the summer of 1979, on a shoestring budget, moved out of the probation department to its own office.

The association with PACT proved mutually fruitful. PACT secured funding for staff to develop a new Community Service Restitution Program asked for by the courts. Elkhart County PACT was getting experience in administration and establishing

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VORP Spreads to the United States, Part II

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a track record with victims and offenders. One victim, an Elkhart County deputy sheriff, Randy Yohn, was so impressed with the program that he became a member and then chair of the board.

In May 1979, in addition to directing Elkhart County PACT, Zehr had become part-time director of the Mennonite Central Committee Office of Criminal Justice. Both assignments provided a chance to think, write and promote new ideas. By now persons in the criminal justice system, community and church were getting acquainted and involved with the movement that had the strange word "reconciliation" in its name. After seeing the VORP idea planted, Community Service Restitution initiated, case management systems clarified, paid staff added, articles and manuals published and volunteers organized, Zehr in early 1982 resigned the job he had been administering on a part-time basis. He continues as director of the MCC U.S. Office of Criminal Justice, located in the same building with VORP and Community Service Restitution. "I'm a developer, an organizer," he says. "What was needed by 1982 was management to maintain and flesh out what had been started." Staffer Mark Chupp in February 1982 was named co-director of Elkhart County PACT and director of VORP. He shared the directorship of Elkhart County PACT with Dave Ball, who after Jan Buerge became director of the Community Service Restitution program.

With the expanded program and local stability, Elkhart County PACT in 1984 decided it was time to sever the administrative link with the PACT organization. In August 1984 the Elkhart County organization became an independent entity with the new name, Center for Community Justice. PACT continues to promote the replication of community based VORPs as well as other community based criminal justice programs. The Center continues both the VORP and CSRP efforts. The Center, located at 220 W. High, Elkhart, Indiana 46516, has seven staffers, a host of volunteers, and its same old mission that propels it to pursue restitution, reconciliation, non-retaliation and community with those who are learning the meaning of, and the means to, reconciliation.

— John Bender, Winter 1985

TOWARD A NEW PARADIGM OF JUSTICE

Consider for a minute the question, "Who Is the Victim, the State or the Victim?" To most people, the answer to that is obvious: the victim is the person who has been harmed by the action of the offender. Most people are surprised that the criminal justice system does not view it that way at all. Under our criminal codes, crime is a violation of the law, not of a person, and the "victim" is actually the state. That is why criminal cases are entitled "State v. Defendant."

It wasn't always that way. In fact, all the ancient legal systems which form the basis of Western law emphasized the need for offenders and their families to settle with the victims and their families. The offense was seen as primarily a violation against the victim. This was true of Old Testament law, the Code of Hammurabi, the legal codes of Sumerian and Mesopotamian

kings, the Roman Law of Twelve Tables, Germanic tribal law, and even early Anglo-Saxon law.

Why was this? Part of the reason, no doubt, was that the families of victims insisted on reparation, and the societies developed the system as a way of maintaining community cohesiveness. But I think there were other reasons, and this is particularly evident in the Old Testament.

Our notions of peace — of the absence of crime — and how we should obtain it, are fundamental to how we deal with criminals and their victims.

The Hebrew word for peace is shalom. This rich word connotes completeness fulfillment, wholeness — whole relationships. It describes the relationship God wanted with his people, and wanted them to have with each other.

Crime breaks that peace. The Biblical understanding of crime acknowledged that a relationship — albeit a destructive one — was created when an offender harmed a victim. The responsibility of the justice system, then was to hold the offender responsible, make good the victim's losses, and through reconciliation restore shalom to the community.

Restitution was integral to this process. In fact, the Hebrew word for restitution is shillum, from the same root as shalom.

The Norman Conquest of Europe marked the end of this approach. After William the Conqueror became king of England, he and his descendants struggled with the local barons for control of the legal process. In this struggle for control of the courts, the English kings used a mechanism called "the king's peace." In 1611, William's son Henry I issued the Leges Henrici. These laws established 30 judicial districts and gave them jurisdiction over "certain offenses against the king's peace, arson, robbery, murder, false coinage, and crimes of violence."

Criminal punishments were no longer viewed primarily as ways of restoring the victims, but instead as means of redressing the "injury" to the king.

This redirection of the purpose of criminal justice has had profound significance. Whereas offenders were once required to restore victims financially, now society undertook to restore offenders through rehabilitation programs.

It is time for us to consider change. I know that this is not a new idea for many of us who have been reading the words of Howard Zehr, Dave Worth and others. Those of you who run VORP's have demonstrated that, at a local program level, other more promising and wholistic approaches can work. Perhaps now is the time for us to begin developing a justice system built on a more complete definition of the parties touched by crime.

Some work has been done on this already, of course, in Canada and in the United States. But we encounter obstacles almost as soon as we start. First, we don't know exactly what this will look like — just what is the new paradigm? Second, the media doesn't understand either the issue or the vocabulary ("two cents and a paradigm will buy you a postage stamp"). Third, we are all busy with other responsibilities.

Given these obstacles, let's think (and act) strategically:

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Toward A New Paradigm of Justice

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1. Decide to go for it. We need to focus our objectives, set goals, and create forums for sharing what we are learning.
2. Look at what we liked about the first paradigm (remember, the current paradigm replaced the first).
3. Experiment, building on what we know about the new paradigm. This means we should be innovative, and evaluate what we are doing in light of the desired outcomes.
4. Educate the public concerning the need for a paradigm shift.

There are two principles to keep in mind as we do this. First, we need to go into this search with our hearts as well as our heads.

Second, we must be willing to make mistakes. Programs or approaches that hold promise should be tested and evaluated. Those that cannot be made to achieve these new purposes should be abandoned.

Mark Twain once ruefully noted: "I was never able to recognize an opportunity until it had ceased to be one." We have an opportunity, one created by the demise of the old paradigm. Let us seize the opportunity, one created by the demise of the old paradigm. Let us seize the opportunity.

— Dan Van Ness, VORP Gathering 1987

RETURN JUSTICE TO THE COMMUNITY

It is odd that today the control of crime and conflict has become the monopoly of the state and its representatives.

In antiquity — in Greek, Hebrew, Roman and Germanic law — the state took control only in case of evidently important political matters. In all other cases of crime, the members of the community devised a legal system which allowed them to regulate the conflicts themselves.

True: criminal trials began in the 13th century, and prisons were run as far back as the 16th century. But prison as the main manifestation of punishment dates only from the end of the 18th century.

The general application of imprisonment occurred in the same period as the establishment of the state's monopoly of crime and conflict regulation. Prisons and present criminal procedure are so interwoven that we cannot expect to realize an abolition of prisons without taking into account the need for basic reformulation for the management of crime and conflict.

Arguments against the present system are plentiful. It provokes rather than controls criminality. It protects the powerful and dupes the underprivileged. It leaves the victims of crime unsatisfied. It estranges persons. It keeps the members of the community in a permanent state of tutelage, preventing them from developing new and fair models of crime regulation and conflict resolution.

In most of our socio-cultural institutions we find traces of both Judeo-Christian and Graeco-Roman legacies. In the case of crime control, however, some disaster has happened. The ethical

foundation of our legal system unfortunately is not based on intertwining of both legacies, but rather on a short-circuit.

The Biblical ideal of justice was based primarily on the idea that a tree has to be judged by its fruits. The fruit of justice — *tsedeka* — should be peace. In its Biblical sense, peace — *shalom* — is a state of the community where all members can really communicate, realize themselves.

In this light, the rule of retribution was not a duty to inflict pain if a crime were committed.

The Biblical rule of "a tooth for a tooth" was not retaliatory dentistry; it was rather a formula of proportion. The rule of retaliation in a system of *tsedeka* meant "do not go beyond." Most certainly it did not mean: "do go inflict torment and misery."

Graeco-Roman justice involved the principle that the right rules are to be applied in the right way. The outcome is less important than the right application of the right rules at the right time. The question of whether justice be done is not considered according to its fruits as long as the right rules have been applied. The Romans, for imperialistic reason, introduced a differentiation between public law and private law. They allowed their citizens to regulate the criminal conflicts between them.

The short — circuit took place when the Biblical principle of retaliation (proportion) was taken out of its context of *tsedeka* and applied in a Roman context of public law — the application of the right rules. The result has been disastrous, both ideologically and practically. Western criminal law henceforth neglected sound principles of conflict regulation by the citizens themselves. It gradually became a system whereby a state authority applied retaliatory torment to convicts, without any positive advantages for society. The dream that by doing so crime might be controlled could never come true.

Within the last two centuries, Western countries intensified Roman public law again for imperialistic reasons with the introduction of prison. The so-called positive effect of prisons for "social learning" was a fake. The constant production of emotionally crippled prisoners is a permanent threat to society. Any person banned from society whose identity has been spoiled and stigmatized will be blocked from developing a positive attitude toward that society. That's the price we have to pay for maintaining a system of public law and the state monopoly of crime control.

Crime control must be communitized. Most crimes are problems between an actor and a victim within a community. Most crimes of aggression are committed between persons living in the same community. They are therefore problems that have to be coped with by all the members involved and not by professionals who are in fact outsiders. Crime is a problem of the community to be regulated inside that community.

Regulation does not mean solution. Most conflicts can hardly be "solved." Things cannot be brought back to the status quo. Regulation of conflict means that those involved discuss what is to be done; restitution, reparation, compensation, rehabilitation, satisfaction of the harm that has been done.

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Return Justice to the Community

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There may be a problem of power. An existing institution of public crime prosecution might undertake the task of equalizing litigation parties if one of them is more powerful in social and legal know-how. Such a role might be positive. Another problem of power is diversion. The professional bureaucracy may divert the least grave offenses for prosecution to members of the community and keep the more serious offenses to itself. Decisions about the seriousness of the offenses remain under the control of the state authorities.

Since time immemorial most cultures have known sanctuaries. These were places of asylum, the Greek word meaning "do not touch." The sanctuary was usually a place under the protection of a deity; an oak, a cave, a river, a church. Anyone persecuted could find refuge in such a place. No plaintiff would dare to apprehend his prosecutee inside a sanctuary. There the prosecutee had a place of asylum from which he was protected against arrest and from which he was able to negotiate with his prosecutors, whether private or public.

In returning conflict to the community, a return to the concept of sanctuary will open new possibilities of resolution. In a sanctuary, plaintiff and prosecutee may, without fear, open negotiation and try to come to terms and turn conflict back to communication and community.

— Herman Bianchi, Fall 1984

"UNSCIENTIFIC" STAGES OF PROGRAM EVOLUTION

I was pleased this summer to have had the opportunity to make a presentation to those in attendance at the Third Annual VORP Gathering. Although I was anxious about being asked to speak on the merits of "systems based" mediation programs to primarily "community-based" program staffs, I was delighted to raise and reframe some important issues while gaining some different perspectives myself. At the conference, many of the participants were very interested in what I termed my "Seven Unscientific Stages of Mediation Programs' Evolution." Subsequently, I was asked to briefly outline my comments here with the hope of generating more discussion and reflection as to whether or not there may be indeed predictable patterns and characteristics of developing programs, and if so, to therefore empower program staff to better plan and implement their efforts in effective ways.

What follows then is by no means the definitive discourse on mediation programs' evolution. Certainly, I can not point to any hard scientific research or data to support my assertions. Rather, what follows represents my own understanding of the struggles and challenges I have undergone while developing several different varieties of mediation programs on many different levels. I hope you find them accurate and of value.

Initial Skepticism is the name of my first developmental stage. Typically, it occurs while program supporters are planning and gearing up to implement a mediation effort. Frequently, however, those to be associated with or impacted by the program's

operation (e.g. funding sources, courts, referral networks) are reserved, tentative and non-committal. During this phase needed resources seem dangled just out of reach of the program, and staff must deal with a litany of why the program will not work and hedged promises of support. It is interesting to note here that from the program's viewpoint, such forecasts and hesitations are like balking at motherhood and apple pie. After all, who could really find fault with the ownership and accountability VORP efforts engender in the participants? Still, the outside skepticism persists.

My advice is to fight the tendency to make promises, assertions or guarantees in exchange for support and to instead reevaluate your strategy in presenting your plans. Rather than adversarially rebutting predictions or conclusions head-on, focus on the low risks and high returns to supporters. Focus on generating options and on highlighting common needs and interests. Frequently, the problem in this stage is not disagreement on ends but uncertainty and anxiety over means to those ends. Do not negotiate or rebut the proposed or feared outcomes. Instead share needs to iron out the means for accomplishing them.

Stage II I call The Silent Treatment and I have experienced it both as a separate stage and as a key part of the Skepticism phase. The danger here is to believe that "no news is good news" or that silence implies agreement and to move full steam ahead. In addition, the reverse must also be guarded against (silence does not necessarily mean lack of support) so that ideas are not scrapped prematurely. This slowing of program development usually indicates the need for more information or simply time for reflection and getting used to the ideas proposed. Here, patience and relationships are the key, not "turning up the heat" or confrontation. Keep moving forward in this stage; just go slower and take smaller steps. Allow people to get familiar with new things before they have to be accountable for them.

I refer to the third stage as a Schizophrenia Stage during which key actors and supporters offer programs private endorsement and encouragement but publicly distance themselves from your efforts. I have noticed a significant clue to look for in this phase: if the public distancing is not at the same time a condemnation or rejection of your efforts, then move forward and build on the private endorsement. If the reverse is true, then a major obstacle has developed which needs immediate attention.

Next, the Passive-Aggressive Stage occurs when in the program's haste to deliver quality services it neglects the needs and concerns of key supporters or their constituents. In its most dramatic forms, sabotage or forbearance of program efforts takes place in this stage. Faithfulness to original goals and directions coupled with diligent attention to others' egos and public face are tremendously effective insurers against major dysfunction due to this stage. Share the glory and successes. Minimize the rippling effect of unpleasant experiences or outcomes.

The Test accurately sums up what occurs in this particular phase of program development. Unfortunately, it is also the phase programs tend to mishandle the most. This occurs for several reasons. For instance, after such hard work (and promises?) we hate to admit there are more bugs to work out in our processes or in our training. Also, we characteristically expect a test, if at all, early in development and are not watchful for one to appear much later after we have already "proved" ourselves. In addition, programs can usually point to a particularly good or

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"Unscientific" Stages of Program Evolution

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bad experience handled satisfactorily and, again, feel they have proven themselves already.

Surprisingly, the test I refer to must be deemed a success or failure from someone else's point of view, not the program's. Moreover, in practice, "the test" may be a series of experiences (converged or otherwise) to evaluate the program's and staff's credibility; not their ability. I have found that ability is value judged way back in the early planning process. However, it is the credibility of the program and/or staff which must ultimately (and usually later in program development) be determined. I suggest the only safeguards to insure passing marks is for all connected with a program, especially the leadership, to be gracious in their successes and forthright in the failures. Integrity of the program and staff will be measured by your admission of problems and the subsequent plans for correction. Integrity will not be found in "perfect" programs or in "someone else is to blame" staffs.

The sixth program evolution stage I have experienced is the "My Idea" phase. Here, a struggle by the program to maintain autonomy from outside influences occurs. In my opinion, this was the stage vocalized the most at this summer's VORP conference at Valparaiso University. The fear of being "swallowed up" by the system or by other programs can frequently be boiled down to an issue of who is to be ultimately responsible for decision-making in the program's efforts. Interestingly, this stage is brought on by successful completion of the tests, and resources are now climbing aboard the proverbial bandwagon. People want to back proven winners and needed services. Buried in these struggles for autonomy however, are usually threats (real or perceived) to individuals', or other entities' "turf," responsibilities, or clientele. Folks want you to succeed but not at their expense. "If I can control you and your program, I and my program/responsibilities are not jeopardized or injured."

Finally, the last stage I call Integration because it reflects a working arrangement between the mediation program and other resources for problem solving and effective service delivery. Let me caution however, that integration does not have to include approval. Rather, in spite of different values and opinions, a mutual satisfaction and coexistence is the goal I advocate to be worked towards. Bear in mind that conflict can be a positive and productive stimulus for change and meaningful relationships. And is that not what our business is all about?

— David P. Mesaros, Fall 1986

... ON MEDIATION

Those of us who have mediated VORP cases are aware that the mediator exerts considerable influence over the process and the outcome of the reconciliation meeting. It would be helpful, then, if we looked at the ways in which the mediator exerts this control and influence during the meeting. By becoming aware of and, at times, making use of these interpersonal dynamics, we can actually get closer to our goal of reconciliation.

An analogy we use in our volunteer training is that VORP can be viewed as a sort of "improvisational theater" in which the mediator is the director; victim and offender, the actors. The mediator's job, then is to explore with the actors prior to their joint meeting, the meaning and characteristics of their respective

roles. The mediator must be careful not to write the script for either party. However, he does set the stage in the broadest sense, for he or she outlines the limits of the play, sets its tone, determines the agenda or the "dramatic flow" of expository development and resolution and takes final responsibility for the production details, meeting place, hospitality, etc. The victim and offender, then are free to play out their parts within the context set by the mediator.

It is my experience that the reconciliation we hope will occur in the meeting is more a matter of consciousness than of technique. Therefore, it seems important that the mediator have a picture in mind of what reconciliation might look like in a particular case. I find it helpful to spend a half-hour or so before the reconciliation meeting envisioning the victim and offender reconciled. I focus on connections I find between them, on similarities rather than differences. By doing this mental exercise, when I enter the meeting I am better able to communicate my expectation of reconciliation to the participants.

Immediately before a reconciliation meeting I try to spend 15-20 minutes in quiet meditation to clear my mind of distractions. By doing so, I find that I can give all of my attention during the meeting to the participants and their interaction. I have found that meditation has helped my concentration and creativity, the two characteristics most helpful in working with conflict.

In a number of ways, the mediator is able to help create the conditions for reconciliation to occur without feeling that he or she has to control every aspect of the interaction. The mediator feels less attached to the results of the meeting and is free to direct it in a way which furthers the reconciliation process. Though a prerequisite to this is a thorough knowledge of VORP theory and practice, it is not until the mediator is able to rise above technique alone that both the program and the mediator will realize their fullest potentials.

— Paul Landskroener, Spring 1985

MEDIATORS

Bringing together victims and offenders in an emotion-laden, face-to-face meeting offers many rewards. Along with the rewards, however, are the hard to answer questions such as, "Where's the other offender?", "He/she has no job so how will I get my money?", "Insurance covered my losses so there's no need to meet," "How do I get victims to meet?" These questions are examples of some of the stumbling blocks that consistently arise for mediators. I have attempted below to deal with two of these concerns.

"But there were two offenders involved in the burglary — why is this offender responsible for the total amount of restitution?"

A critical step in answering this question is finding out why only one offender is responsible for restitution. We have found a number of responses to our queries:

1. The second offender has been sent to the Department of Corrections and has not been ordered to pay restitution once he/she returns to the community.

2. The second offender has absconded and the judge has determined that this offender should pay the total restitution.

3. The probation officer did not know the status of the second offender and took it upon him/herself to have this offender pay the total amount of restitution because the judge did not specify.

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Mediators

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4. The second offender was not charged with this offense as part of a plea bargain so cannot be held responsible for restitution.

Although these responses may not alleviate the frustration felt by those involved, it at least helps to be able to relay the facts to the victim(s) and offender. There have been occasions when the victim has decided to lower the restitution figure once these facts are known so that the offender participating in a face-to-face meeting is not overburdened with the total restitution. There have also been cases where the offender has refused to be responsible for the total restitution figure and has decided to go back before the judge and plead his/her case. In such cases the offender is usually advised that he/she was involved in the offense and must suffer consequences that were not thought about while committing the offense.

There are no "right" solutions, yet being able to have victim and offender talk it out often enables both to come to resolution of angry and hurt feelings toward each other. Each becomes more willing to take ownership of the situation rather than succumb to the tendency to "blame the system" in an unfair situation.

A second issue that is becoming increasingly more common is that of insurance. There are a number of concerns that arise for mediators.

1. An important question to ask victims is whether they have filed or been reimbursed by insurance. Although not a frequent occurrence, there have been times when victims received double payments because it was not known at the time of the meeting that insurance had already reimbursed the victim.

2. In cases where there has been reimbursement, victims may feel there is no further need to meet. Since restitution is not the only goal, it is important to talk about other benefits of meeting the offender. There are victims, however, who see restitution as the major drawing card and in those cases the mediator should determine whether the victim had an insurance deductible or other losses not covered. The offender should be held responsible for those out of pocket expenses.

3. Dealing with insurance companies begins to feel like providing the services of a claims agent rather than a mediator. In most cases there is no room for negotiation, and the insurance company is interested in collecting on their claim and not meeting with the offender. Many insurance companies are not locally-based and communication happens through phone calls and letters from persons outside the community.

4. Insurance companies do attempt collection of a claim from an offender. The offender should be told that although they are only paying the deductible to the victim, the insurance company may sue them for the entire reimbursement made to the victim. When insurance companies have contacted the VORP office, we have simply referred them to the probation officer involved for any information they are seeking on the offender.

5. When there is a subrogation clause in the policy of the victim, the insurance company is legally entitled to collect on a claim before restitution is paid to the victim. In one case an insurance company had paid thousands of dollars in hospital bills for a victim but outstanding debts not covered were approximately \$17,000. The victim received a letter stating that under this clause they were obligated to turn over any money in restitution to the insurance company before they could begin to accept payment for the \$17,000 out-of-pocket expenses. In that case the offender felt it was in his best interest not to sign a contract.

6. Several persons in the criminal justice system have felt frustrated that VORP did not collect for the insurance companies. They felt that insurance should receive payment in order to alleviate the rising costs of premiums because of claims resulting from a criminal act. Again, we would argue that insurance companies do in fact have the means and expertise to collect from offenders whereas most victims do not. We have felt that our time and skills are needed to mediate and follow through with cases where the victim believes that they do not have any recourse but rather suffer their losses in silence.

— Lorraine Stutzman Amstutz, Spring 1987

WOMEN AS VORP MEDIATORS

Issues and roles of women mediators are important to explore as their numbers in both staff and volunteer realms are increasing. Awareness of these issues may help to further the effectiveness of women as mediators.

Women in our society have been socialized to help others from a young age. It is, therefore, natural that we would become involved in VORP as it is a means by which to help victims, offenders and society.

Women's traditional sex-role socialization teaches skills that are valuable as VORP mediators. They are taught to be empathetic and patient, while learning to identify their own feelings as well as those of others. Women also possess high verbal skills. The above are all skills looked for in good mediators. Women's traditional roles of parent and spouse give them practice in the art of compromise. These roles can help to establish non-judgmental attitudes towards others and their behavior. These are also assets in the role of mediator.

It is important to state that all women do not possess these attributes; however, society may have provided them with the essential building blocks that can be enhanced through training to produce effective mediators.

As mediators, women face issues that are often unique to their gender as well as many that are not. Others involved in the VORP process may possess preconceived notions about the mediators based on gender. It is important to be aware of what these perceptions may be, but not to anticipate them always occurring. Truthfully, I have had few difficulties as a VORP mediator based on gender, but try to be aware of those that may occur.

Victims and offenders may possess preconceived notions of mediators based on gender. Since women in our society are seen as being more compassionate and understanding, both victims and offenders may be more willing to disclose their feelings about the incident that brought them together. Because of these attributes, as well as our socialization as caretakers, we may also be perceived as someone who a victim and/or offender believes will side with them, instead of remaining neutral.

Another issue that may arise deals with sex roles and sexuality. The majority of offenders we deal with are male. They may

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Women as VORP Mediators *(continued from page 9)*

choose to interact with women in a flirtatious manner; this may vary in degree. Some may ask personal questions of the mediator or give personal information not relevant to the VORP process. I have yet to have an offender, or victim for that matter, who has been more blatant. Some offenders may relate to a female mediator more aggressively than they would to a male. This may be their attempt to intimidate the mediator into siding with them.

The perceptions of judges and probation officers may also vary depending on the gender of the mediator. Their acceptance of agreements reached and the way they relate to the mediator may be affected. Probation officers seem to give me more information as to an offenders' gang related and/or violent activity than they do my male counterparts. I am unclear as to whether they think I am more apt to need protection, or if they simply see it as useful information. Sometimes there seems to be underlying turf issues with other women working in the system. This can affect a working relationship with them.

Male superiors and co-workers may also perceive female mediators differently than their male counterparts. This may have bearing on case assignments, as well as working relationships.

In order to deal with any stereotypical and/or sexist perceptions that may exist, certain strategies may be utilized. Many of these strategies are the same ones used by mediators of either gender to balance power.

When dealing with victims and offenders in individual meetings, it is important to clearly state your role in the VORP process. This may include restating of the mediator's role as a neutral party several times. Limits may need to be set, such as informing people that personal questions (i.e., marital status of mediator) are not relevant. On a more positive note, it is important to utilize any natural empathic skills to help establish rapport and trust with both the victims and offenders. One may choose to feel free to interact with children and pets as a means of connecting. This strategy has worked well for me.

During these initial meetings, one can gather information that may be beneficial in planning for mediation. If there is a question as to whether or not gender is an issue in a particular case, it may be helpful to discuss it with another volunteer or staff members. Utilization of a co-mediator may be beneficial. The decision as to whether the comediator should be another female or a male is important. This decision will depend on the gender of victim and offender, what the concern is and the individual mediators involved.

During mediation the strategies used may be the same as in others where a balance of power is the issue. Seating arrangements are important. A clear statement of any rules and the mediator's role is again important. One may or may not want to address such issues as sexist language. This will probably depend on the effect it may have on mediation, such as discomfort of mediator and/or others present.

Similar strategies may be used when dealing with sexist attitudes of the courts and co-workers. Education can be an important tool. This may include education on non-sexist language and women's ability to mediate effectively.

As women make up a large portion of mediators, it is important that their issues/concerns be recognized and addressed. Foremost, women need to be viewed as individuals and as effective mediators, then we can look at ways to more fully utilize women in VORP. It is also important to remember that women are individuals with similar and dissimilar issues from each other, as well as from men. Some of these issues can be assets and others are more detrimental to their role of mediator. What I encounter in an urban setting may be quite different from what women in rural settings encounter. It is also not the same as others in my setting may encounter. It is important, therefore, for women in VORP to share the difficulties and the successes they have encountered with one another, so they may grow and learn as mediators and as women.

— *Susanne Hollister, Special Issue 1987*

EVALUATING YOUR MEDIATORS

"How do you know if your volunteer mediators are doing what they're supposed to be doing?" "Are they coercing victims into a VORP meeting?" "Are they taking sides thus undermining the negotiating process?" These questions are asked not only by persons looking critically from inside "the system" but (hopefully) by VORP practitioners as well. It raises the question *"How do you evaluate the work of volunteer mediators?"*

Unfortunately, VORP staff find out too late that a mediator has crossed the fine line of being a neutral third party when a VORP case. The VORP evaluation (Coates and Gehm, 1985) has shown that some victims at times felt coerced into a meeting. In Elkhart, we made the same realization through a simple look at our statistics — mediators were not being effective in getting victims to agree to a VORP meeting. We must then ask how that can be ameliorated? I think the answers lie in careful and consistent evaluation not only of our mediators but of our programming as well.

Evaluation of programming can happen when we see that something in our training or techniques is not effective as evidenced by the fact that less than 50% of our referrals were coming to a VORP meeting. Why aren't the volunteers being effective in communicating to victims what VORP is about? One possibility is simply that not enough time is spent with mediators during the initial training stages as well as at a number of key points during the process.

1. During volunteer training it is extremely important to take note of how each person involved in training is responding/reacting to materials presented and in particular to observe their behavior in role playing. If possible there should be a staff member observing the role playing groups in order to critique each person's role. It is also important that volunteers be given an opportunity to play the role of victim, offender and mediator. Meeting with each volunteer after the training to evaluate their feelings as well as to discuss staff observations is critical in building a trust relationship between the staff person with whom they will be working and the volunteers. If the VORP staff felt through observation that a volunteer needs more training in a particular area, the individual meeting is the time to discuss how that can happen.

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Evaluating Your Mediators *(continued from page 10)*

2. Ideally, all newly trained mediators should do at least one VORP case with an experienced volunteer, if not a VORP staff person. Unfortunately, all too often that doesn't happen because of the backlog of cases coupled with the shortage of volunteers.

3. Debriefing after each case completed is essential for new as well as experienced volunteers. Sitting together discussing every aspect of the case, from the initial phone call/meeting with the victim and offender to the VORP meeting reveals a lot about the volunteer's performance. Debriefings take time and are hard to institute with experienced volunteers who are used to dropping off their case and leaving or sticking it in the mail. But the effectiveness of the debriefing outweighs the hassles of setting up the meetings. Work around the volunteers' schedules as much as possible and be available to pick up the cases if necessary in order to spend time together.

4. Listen to the needs of the mediators. After doing a few cases it often becomes obvious that a volunteer is more effective with a particular type of case. For example, we had a mediator who was in sales as a profession and did an excellent job of mediating cases with businesses as victims. (Caution needs to be exercised of course to see that, in this case, the mediator isn't over-identifying with the victim, thus alienating the offender. Again, that can be monitored in the debriefing session.)

5. In-services should be held periodically to keep the mediators updated on procedural changes, discuss case studies, and to keep mediators enthusiastic and interested in their work with VORP.

6. Listen regularly to persons in the system. When talking with probation officers about the VORP meeting, I would ask them specifically how the offender felt about what happened. It made them more conscientious about talking to the offender about the meeting, and if there was a problem they usually let us know.

7. Yearly evaluations should be conducted with each volunteer. Give them an opportunity to express what they have learned, what has been helpful to them and suggestions for improvement on the part of VORP staff.

Even through careful evaluations you may find that changes in procedures need to be made. As I mentioned earlier we found that victims felt coerced into meeting or that they chose not to meet because they thought the only option was to meet in their home and that was frightening to them. We found it difficult to teach a volunteer how to make "judgment calls" about when you've said enough and when to talk more or how to use a different approach and when that is appropriate. We made the decision to use VORP staff to make the initial contacts with victims — explaining VORP, giving victims an opportunity to speak and be listened to and then giving them the option of meeting with a mediator to talk further. The success rate was much higher and volunteers felt much less pressure; as a result they did not feel that they had "failed" if the meeting did not work out. In most cases where initial contacts had been made VORP meetings were held.

There will continue to be cases where misunderstandings between parties occur, but I think with a consistent evaluation process in place it can be handled in an atmosphere of trust and the question, "How do you know if your volunteer mediators are doing what they're supposed to be doing?" can be answered.

— Lorraine Stutzman Amstutz, Fall 1987

VORP: WHAT ARE YOUR GOALS?

When setting up a Victim-Offender Reconciliation Program, it is easy to remain vague about the primary purposes or goals. After all, VORP appears to meet so many needs of the victim, the offender, and the community. Victims get answers to nagging questions and receive restitution for losses. Offenders are held accountable by facing their victims and making repayment, and may also be changed through their experience. The community may save valuable tax dollars by diverting offenders from incarceration and may experience a reduced anxiety about crime.

We at Elkhart County VORP were in that situation for several years. We had many good goals, but we found it difficult to make programmatic decisions without setting priorities. In fact, we began to realize that some goals conflicted with other goals. For example, we wanted to be an alternative to incarceration, but also saw the importance of accepting referrals for rather petty cases when intense emotional and attitudinal problems were involved. Thus, the goal of being an alternative came in conflict with the goal of healing interpersonal wounds. Another conflict arose between providing restitution to victims and rehabilitating offenders. We were not sure what to do if victims wanted restitution, but did not want to participate in a victim-offender encounter. To set an amount without a meeting might result in restitution, but does not give the offender the opportunity to realize the consequences of his/her act and thereby be changed. The offender might view this as one more imposed punishment, further removing the chance of rehabilitation.

While attending a conference at the University of Minnesota in Duluth, we, as a staff, were encouraged by Burt Galaway, Director of the Social Development Studies Program, to clearly define one primary goal. Galaway argued that the conflict of goals could never be fully resolved and implementation of the program would be clouded until priorities were set. Determining a primary goal and setting priorities for the secondary goals would guarantee a tightly knit program with policies and procedures fitting into a logical sequence. The VORP staff then met with staff from PACT Central Office in several round table discussions to determine priorities. The topics included the conceptual problems of being an alternative and the impact of the program on our participants. Our goal gradually became clear: the primary goal of our program is reconciliation. That does not mean, of course, that other goals and benefits are unimportant or ignored. We do try to work at the larger, structural goal of providing a real alternative to incarceration. We do facilitate restitution; we do take victim needs seriously. We hope that offenders will be made accountable and in that be changed or rehabilitated. We hope that the community will benefit as a whole, but our primary focus is reconciliation.

What does reconciliation as a goal mean? Crime is seen as a breakdown between two persons in a relatively peaceful and harmonious community. Simply put, crime is a violation of one person by another. VORP then is an attempt to reconcile these two persons, the burglar and his/her victim. This means taking attitudes and the emotional impact of crime seriously. Reconciliation occurs when victim and offender can see each other as persons, and the offender is given a chance to make right the offense he/she has committed. Fears and suspicions are reduced and trust is restored.

— Mark G. Chupp, March 1983

FOLLOW-UP VICTIM-OFFENDER MEETINGS

While one intended impact of VORP upon the larger criminal justice system is hopefully to either reduce the use of incarceration for selected offenders or to have an impact on reducing the length of probation supervision, the more human impact of mediating victim-offender conflict and encouraging reconciliation remains a primary focus of VORP. With rare exception, this process of reconciliation typically involves up to a one hour meeting between the victim and offender, preceded by individual meetings with both the victim and offender. One could certainly raise the question of whether or not we are being rather presumptuous to think that we can mediate victim-offender conflict and facilitate reconciliation in essentially a one hour face-to-face meeting.

The more cynical within the criminal justice field might suggest that this sounds very similar to the popular "scared straight" programs of several years ago when juvenile delinquents were brought into maximum security prisons and exposed to some very harsh prison realities by convicts. The scared straight programs were hyped as being tremendously effective in changing juvenile delinquency behavior and yet later research indicated that they had very little impact at all. Obviously, a scared straight type of program is very different than that of VORP. On the other hand, perhaps there is a lesson to be learned from the scared straight program with its exaggerated impact upon the criminal justice system. If our primary goal in VORP is to reconcile the conflict between victims and offenders, particularly those offenders that may be facing jail or prison time, what makes us believe that one relatively short face-to-face encounter between the victim and offender is sufficient for this reconciliation process?

The purpose of this article is to stimulate discussion within the network of VORP staff and volunteers related to both the possible benefits and problems associated with attempting to strengthen the reconciliation process through use of follow-up victim-offender meetings. This article draws upon several discussions among PACT staff, as well as the direct experience I have had in using follow-up meetings in four of the last five cases in which I served as mediator in the Porter County PACT VORP project.

In order to strengthen the process of reconciliation and personal accountability of the offender to his or her victim, it would seem as though one or more follow-up meetings between the victim and offender could play a very significant role. These follow-up meetings would be very different from the initial meeting. There would probably be less of the structured mediation required in the initial VORP meeting and more of an informal review of implementation of the terms of the contract, discussion of any problems that have arisen and simply sharing "small talk" if the victim and offender feel so moved.

The need for and willingness to have follow-up meetings would certainly be tempered by the actual amount of restitution to be paid. If only a very small amount of money is owed, a follow-up meeting might not seem appropriate. On the other hand, if a larger amount is due, follow-up sessions (mid-contract and "close-out" meeting) could be quite helpful.

Possible benefits of one or more follow-up victim-offender meeting might include:

1. The goal of personalizing the accountability of the offender to the victim would certainly seem to be strengthened by follow-up meeting.

2. The goal of breaking down the stereotypes that victims and offenders have about each other (i.e., humanizing the process) would also seem to be strengthened.

3. Monitoring completion of the agreed upon restitution contract would be facilitated by follow-up meetings.

4. It would be easier to learn of any problems arising on the offender's part related to restitution payment if there were two scheduled follow-up meetings.

There are some difficulties that might occur through the use of follow-up meetings. Some of these could be:

1. Follow-up meetings might require more staff/volunteer time.

2. What if victims and offenders simply don't want to meet a second or third time?

3. Would follow-up meetings simply be a hassle for the victim and offender?

4. If an existing VORP program already has a huge caseload, there simply might not be time.

My own experience in using follow-up victim-offender meetings suggests that perhaps the best time to introduce this into the VORP process is toward the end of those VORP sessions which result in a mutually agreeable restitution contract. To introduce this prior to the victim and offender directly experiencing some degree of reconciliation through face to face mediation is probably premature and not likely to result in willingness to participate in follow-up sessions. In four of my last five VORP cases, introducing the possibility of one or more follow-up meetings after agreement upon a restitution contract was secured seemed to flow quite naturally. Agreement by both the victim and offender did not appear to be a problem.

I used wording along the following lines: "In cases like this where an acceptable form of restitution payment has been agreed upon, we prefer to have both of you meet briefly in the near future to see how things are going and work out any problems that may have arisen related to restitution payment. We also prefer to meet upon completion of the restitution contract in order to make the final payment and to answer any remaining questions." I then asked both the victims and offenders how they felt about this and if these two additional meetings were acceptable. Had one or the other felt uncomfortable with this, I would have first proposed simply one follow-up meeting and if this was also clearly unacceptable, the issue would have been dropped. As it turned out, in all four cases the issue of one or more follow-up meetings was quite acceptable. In fact, the first mid-contract meeting in each case involved the offender bringing along the first restitution payment in order to give it directly to the victim.

As one considers the possibility of follow-up victim-offender meetings, the issue of what precisely the agenda for such meetings would be becomes very important. The agenda for the mid-contract meeting would seem to be very clear. It would

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Follow-up Victim-Offender Meetings

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consist of reviewing implementation of the signed restitution contract and if a problem has arisen in terms of payment of restitution, alternative solutions for dealing with this problem could be discussed and agreed upon. Where permissible, actual payment of a portion of the restitution could occur during this meeting.

The agenda for the close-out meeting is probably less clear because the nature of this session is very symbolic, in terms of closure for both the victim and offender. Once again, final payment and review of the restitution contract could occur to make sure that there are no loose ends remaining. A discussion of how both the victim and offender now feel many months after initially meeting each other could be encouraged.

In both the mid-contract and close-out meeting there is clearly a secondary agenda present. While the specific content of what is being discussed (payment of restitution) is very important, the process of simply facilitating the victim and offender dealing with each other as people, rather than in the roles of "victim" and "offender" is very important. Because of this, seemingly irrelevant comments related to "small talk" should not only be allowed but even encouraged.

For those VORPs committed to trying the use of follow-up meetings more consistently, which includes the VORP projects currently operated by PACT in six counties of Indiana, several implementation strategies will need to occur. First, additional recruitment of volunteer mediators will be required. Second, additional training of current VORP program staff will be necessary. Third, existing training materials for volunteers will need to be modified. And finally, actual VORP case management procedures will need to be modified to operate on the presumption that those cases which result in a signed agreement will also involve one or more follow-up meetings, unless the victim or offender is opposed to it.

In summary, the very goal that many VORP staff and volunteers are the most committed to, that of reconciliation, might well be significantly strengthened through the use of one or more follow-up victim-offender meetings. From my perspective, the four recent VORP cases where I served as mediator have certainly seemed to lend credence to this kind of follow up process.

— Mark Umbreit, Winter 1985

PROMISING APPROACHES TOWARD RESEARCHING VICTIM-OFFENDER RECONCILIATION PROGRAMS

Many years ago, my first job in criminal justice involved preparing pre-sentence reports for criminal offenders represented by the Legal Aid Society of New York. The job was terribly exciting — we were, after all, actively advocating community based sentencing plans to replace imprisonment — but, as with most new programs, we experienced a number of implementation problems.

After the program's first year, an outside agency conducted an evaluation aimed at assessing the appropriateness of continuing the program's funding. The evaluation found that the program should indeed be continued, but neglected, almost entirely, to address any of the start-up programs we were experiencing or any of the policy issues which emerged from our practice. This was, I thought, short-sighted because the evaluation could have constructively addressed matters we weren't at that time paying much attention to, such as whether we were widening the net of social control or not.

Thus, I organized my workshop on program planning, evaluation and redesign with the first conviction that program evaluation is clearly of importance to meaningful program development. What I did not know, however, was how VORP practitioners viewed the role of research evaluation in their work. So, I opened the workshop with a general request for information about what session participants were looking for or thinking about with regard to this workshop.

Session participants then raised a series of important questions: Can reconciliation be quantified? What tools are available to assess reconciliation? How is reconciliation determined? Can VORP reduce recidivism or deter criminal activity? How can you evaluate programs with small client caseloads? How can you measure indicators of a community's response to crime, specifically a shift from a retributive to reparative paradigm? Are outside evaluations needed? What tools are necessary for program evaluations? How rigid should program goals be? How can services be integrated into programs to strengthen offender and victim empowerment? And, how can VORP be assessed when it is part of a range of alternative options, such as exists in the Opportunity House program in Nashville, Tennessee?

In the discussions which followed, not all of these questions were fully, or even partially, answered. Nonetheless, a clear sense emerged that VORP practitioners were interested in doing more research on their programs, and that they saw research as a supportive and constructively critical opportunity for evaluating and redesigning their programs. Participants were especially keen in learning more about how qualitative approaches to program evaluation could be used more widely.

Qualitative research seems especially important for victim-offender reconciliation programs, where vital outcomes may not be as quantifiable as more traditional programs. How, and when, does one measure victim or offender satisfaction, for example? As public opinion research becomes more sophisticated, researchers are finding that multi-wave questions, wherein respondents

Promising Approaches *(continued from page 13)*

are queried at two more points in time, often after being supplied with information pertinent to the topic of their opinions, results in a fuller sense of respondent opinions. Similarly, VORP programs may want to look at program "outcome" measures at different time intervals, and perhaps after follow-up services.

Session participants were also interested in the use of qualitative research to prepare program documents. At one level, practitioners thought that "case histories" of victim-offender meetings could be more useful than stating, for instance, the amount of restitution collected in communicating the value of a reparative approach to criminal conflict. At another level, qualitative research can be more useful in describing how VORP programs act, and how the criminal justice system responds to them.

In this context, programs can better learn how to more effectively achieve their program goals. Qualitative "case histories" can also become a routine part of programs' annual reports, one participant suggested.

— Russ Immerigeon, *VORP Gathering 1987*

VORP AND THE CRIMINAL JUSTICE SYSTEM: CONFLICT & CHALLENGE

In the past decade, religious and lay community groups have urged a wide range of alternatives to both traditional criminal justice sanctions and to the criminal justice process itself through dispute resolution. In recent years, however, many of these efforts have been criticized by practitioners and evaluators alike for widening rather than reducing the net of social control. In short, these criticisms suggest that many of these well-intended programs are routinely focusing on offenders who, formerly, would not have received such fully-developed or serious sanctions.

"Widening the net of social control" is a charge that is troublesome in several ways. Invariably, widening the net occurs because either alternative sanctions have been used for inappropriate placements or their meaning has been altered when implemented by practitioners who allow their programs to drift from their original purposes. In addition, when new program resources are allocated to offenders who would ordinarily receive less involved criminal justice treatment, harsher practices, such as imprisonment, are left unchallenged.

The Victim-Offender Reconciliation Program (VORP)'s original purposes were (1) to serve as an alternative to imprisonment, and (2) to reconcile the conflict caused by criminal acts between victim and offender. In short, VORP was intended to reduce the use of imprisonment by empowering victim and offender to address issues together in a community context that traditionally were either controlled totally or ignored completely by court-related professionals. A crucial component of the VORP process was the use of community volunteers who were motivated, in significant part, by religious, moral and social justice concerns.

VORP has now gained a decade of experience (1975-1984). VORP has also grown considerably. During this period, VORP has achieved important measures of success - court and

community acceptance, some funds (although far from enough), and constructive case outcomes. However, VORPs may also have departed some from their original emphases. In particular, concerns have been raised about several implications of VORP's increased involvement with traditional criminal justice processes. One concern is that VORP is used less as an alternative to imprisonment than was originally intended. Another is that VORP's emphasis on reconciliation is overshadowed in practice by restitution interests of courts, prosecutors, and other criminal justice agents.

One method of addressing such concerns is to maintain a critical stance toward VORP operations. VORP organizers themselves have been in the forefront of such an approach. In one article VORP organizers Howard Zehr and Mark Umbreit examined the use of VORP as an alternative to imprisonment. While observing VORP's potential for reducing inappropriate incarceration, they warned that local VORPs could lose credibility as a substitute for imprisonment if they become swamped with petty misdemeanor cases. Outside VORP observers have also taken a critical stance. In another article, Canadian criminologist Tony Dittenhoffer and Richard V. Ericson studied one VORP and found that it only partially attained its goals. Moreover, the program's process was substantially different from what they expected to find.

Recently, I was asked to survey several VORPs to find out if they were experiencing problems with maintaining their program goals as a result of their involvement with traditional criminal justice operations. In addition, I was asked to see what programs were doing to assure that their goals were not co-opted. Accordingly, I spoke with representatives of VORPs in Fresno (CA), Bloomington (IN), Kansas City (KS), Wichita (KS), Quincy (MA), and Seattle (WA). While these conversations focused on potential conflicts between court concerns for restitution and VORPs advocacy of reconciliation, they also touched on the use of VORP as an alternative to imprisonment. In this article, I would like to report what I learned from these conversations. Also, I'd like to suggest several possible implications of these observations. These comments, I should add, are not hard findings; instead their purpose is to encourage a discussion about the issues raised. As such, they should be viewed critically and built upon by VORP practitioners and others interested in the development of VORP as a viable societal response to the causes and consequences of criminal activity.

In reporting my findings, I would like to focus on five points: (1) VORP's use as an alternative to imprisonment; (2) the restitution-reconciliation dichotomy; (3) caseload control; (4) measurable results; and (5) VORP's adherence to its conceptual and spiritual origins.

Sadly, VORP is apparently rarely used as an alternative to imprisonment. While several program descriptions mention VORP's use as an alternative to imprisonment, guidelines have not been established to target jail — or prison-bound offenders. Moreover, at least one program description suggests that it "is not designed primarily as an alternative to confinement." Other programs also suggest that this goal is not central to their work. Statistics provided by these programs show no figures for the number of persons diverted from confinement or the number of jail — or prison-days saved.

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VORP and the Criminal Justice System

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Restitution is an important aspect of the victim-offender reconciliation process, but reconciliation is the cornerstone. Several observations can be made about how the VORPs managed their main concern with reconciliation in light of the criminal justice system's primary concern with obtaining restitution payments for crime victims. Programs accepted restitution goals to varying degrees. Some found that once restitution payments were first accepted as part of the sanction, then the courts or other agencies had little interest in any reconciliation work which was done. Some programs accepted restitution as part of the process which could lead to reconciliation. Restitution, in these instances, served as a drawing card — providing victims a reason to continue with a process which they might not pursue otherwise. Other programs took different approaches, ranging from speaking about restitution when they meant reconciliation to omitting the term reconciliation from their program's name. Finally, some programs accepted restitution because in some states, such as Kansas and Ohio, restitution is mandatory. In such situations, programs run the risk of reconciliation becoming a secondary function after the collection of restitution payments.

The ability of a program to control its caseload, i.e., to have the authority to reject cases which the program feels are inappropriate placements, is important for achieving either VORP's reconciliation goal or its goal of serving as an alternative to imprisonment. The programs surveyed were mixed in their ability to control their caseloads. In Bloomington (IN), the Monroe County VORP reported that they have made their selection criteria clear and have been firm about working only with offenders who meet these standards. While the program, which has a close organizational relationship with the probation department, was at first seen as "picky," they have been able to show probation officers which cases are appropriate for VORP and which cases are not. In Wichita (KS), the Victim-Offender Mediation Service (VOMS), which is located over a block from the courthouse and has no organizational ties to probation, does not have this ability. In fact, a powerful local judge created an official committee to establish a set of screening guidelines for accepting particular offenders as VORP clients.

One reason why restitution is imposed as part of the reconciliation process by the criminal courts may be due to the fact that a restitution payment is a measureable entity, at least in the minds of court officials. But reconciliation agreements can and are counted. Diverting offenders from confinement is also a difficult matter to measure. Nonetheless, some non-incarcerative programs — the Vera Institute of Justice's community service program comes quickly to mind — have devised guidelines by which to target jail — or prison-bound offenders. A "measureability standard," then, may serve only to camouflage official resistance to sanctions which are neither punitive nor responsive to political, professional, or public pressures to serve specific interests, i.e., victims' rights or organizational legitimacy.

Finally, concern has been raised that VORPs have lost their "spirituality." In other words, some fear that VORPs have routinized or bureaucratized their work; still others are afraid that punishment is seen as much an appropriate response to crime as reconciliation. In my conversations with a limited sample of VORP practitioners, I found consistent support and loyalty to the concept of reconciliation. Reconciliation was consistently

the primary motivation for practitioners. Moreover, reconciliation was regularly seen as the primary goal of their work. (Curiously, if adherence to the religious roots of reconciliation has eroded, the results may be noticed more vividly in the abandonment by any programs of the use of VORP as an alternative to imprisonment.) Some programs have clearly taken the path of least resistance by accepting court-ordered restitution practices instead of struggling to gain acceptance for VORP as an alternative to imprisonment.

What can be made of these observations? First, VORP practitioners require a robust understanding of the nature of the challenge to traditional criminal justice practices which VORP's orientation and process suggests. Specifically, VORP challenges at least two central premises of current criminal justice practice: By (a) empowering victims and offenders to have some significant say in the outcome of their cases, VORP in effect tries to reduce official, professional control over case process and case outcome. Failure to understand the reasons for official resistance can lead to changes in program operation which do not address the true cause of the difficulties a program may be experiencing. By (b) stressing reconciliation instead of punishment, incapacitation or deterrence, VORP is advocating an approach to criminal justice processing which is categorically different than the approach taken presently by the criminal justice system. This difference in approach is fundamental. Initial conflicts between VORP practitioners and criminal justice practitioners should be seen as a natural part of VORP's implementation process. In the absence of such conflict, a VORP practitioner might ask what is going wrong? Does a lack of conflict mean that criminal justice practitioners have accurately integrated VORP into their operations, without diluting VORP's goals? Or, does it mean that VORP is being used by criminal justice practitioners for other purposes?

Second, while VORP practitioners should be direct about their programs' goals, they should also establish procedures which can effectively assure them (and others) that they are as efficient in reaching their program goals as they can be. In my interviews, I was struck by the extent to which VORP practitioners found themselves using the term "restitution" when speaking with criminal justice practitioners when what they meant was "reconciliation." The VORP practitioners with whom I spoke seemed confident that in practice the use of these different terms is of no consequence. In other words, VORP practitioners felt that the cases they processed were, in fact, processed according to VORP guidelines and principles. Reconciliation, not simply restitution, was what was happening in their cases.

However, I was also struck by the extent to which the use of VORP as an alternative to imprisonment seemed to have faded as a program goal. The caseloads of the programs I spoke with are not very high. One program had only 19 cases this past quarter; another program has had only 14 cases in the past six months. Would stressing the importance of using VORP as an alternative to imprisonment eliminate even these small caseloads? If current procedures are maintained, perhaps the answer is yes. But I consistently found that the VORPs I spoke with relied on referrals from other agencies — the courts, the prosecution, probation, or defense attorneys. I found little evidence that VORPs have program representatives going into court to locate, on their own terms, cases which were suitable for victim-offender reconciliation and did not intervene. In part, this may reflect staffing shortages, but the use of volunteers as court observers could overcome this difficulty.

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VORP and the Criminal Justice System

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In conclusion, the VORPS contacted in this brief survey are maintaining reconciliation as a primary purpose of their work, but they appear less concerned with the use of VORP as an alternative to imprisonment. In their struggle to keep reconciliation a program priority, VORP practitioners, many of whom came to VORP primarily with an interest in reconciliation, appear to have abandoned the effort to use VORP as an alternative to imprisonment.

At the conclusion of a recent article in the VORP Network News, Howard Zehr wrote that, "It may be helpful for us to realize that

VORP is at best a pale reflection of an ideal, given the reality of our present legal system. As a reflection, it is often distorted and incomplete. But it does contain elements of that ideal and provides a way of testing and keeping alive the vision. While it is valuable to operate VORPs, therefore, we must at the same time seek to understand and flesh out that ideal even though it may remain just that — a vision against which to test reality, a vision to guide our own personal decisions." The results of my survey support this contention. The survey suggests, however, that VORP's support for reconciliation overshadows its concern for reducing the use of imprisonment.

— Russ Immarigeon, Fall 1984

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Agency Membership is available to those public, private, or government agencies which operate victim-offender mediation or reconciliation programs or are in the process of establishing such a program.

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Victim/Offender Mediation: A National Survey

BY MARK S. UMBREIT

Vice President for Research and Program, Minnesota Citizens Council on Crime and Justice

National Survey

AS A reflection of the growing nationwide concern both to provide greater attention to meeting the needs of victims of crime and to develop effective alternative sanctions for criminal offenders, programs providing victim/offender mediation and reconciliation services have developed in a number of different communities throughout the United States. Many of these are called Victim Offender Reconciliation Programs (VORPs). Representing one of the few recent justice reforms that allow victims to be personally involved in the sanctioning process of the offender, each of these local mediation programs facilitates a face-to-face meeting between the victim and offender in the presence of a trained mediator. This meeting provides an opportunity for questions about the offenses to be addressed, for feelings to be expressed, and for an acceptable restitution agreement to be worked out.

Since the initial development of VORP in Kitchener, Ontario in 1974, and later replication by the PACT (Prisoner and Community Together) organization and the Mennonite Church in northern Indiana (Elkhart) in 1978 many hundreds of criminal justice professionals, citizen volunteers, and community-based organizations have expressed interest in the victim/offender reconciliation concept. The program has received exposure on several television talk shows and documentaries, as well as in a number of national publications, including *The Wall Street Journal* and *Newsweek*. Because of this interest in the VORP concept, the PACT organization established the National VORP Resource Center as part of its PACT Institute of Justice (the research and training division of PACT, Inc.) in order to serve as a nationwide clearinghouse for information, training, and technical assistance related to VORP. Since the development of this National VORP Resource Center, thousands of pieces of information about VORP have been distributed throughout the United States and abroad, hundreds of information packets have been distributed, audiovisual resource material has been made available, hundreds of criminal justice professionals and volunteers have been trained, and on-site technical assistance in setting up local programs has been provided in more than 25 five different states.

In 1985, the National VORP Resource Center of the PACT Institute of Justice completed the first nationwide survey of programs providing victim/offender mediation and reconciliation services. Questionnaires were sent out to a large network of hundreds of private and public correctional programs throughout the country, including correctional departments in every state. Followup phone interviews were conducted with those respondents who indicated local development of a VORP program. This survey resulted in publication of the first edition of the National VORP Directory. It includes descriptive information about each local program, profiling such things as: number and source of referrals, use of volunteer mediators, case referrals resulting in victim/offender meetings, and budget size (available from the National VORP Resource Center, P.O. Box 177, Michigan City, Indiana 46360, \$4 per copy).

The data generated by this survey indicate a significant amount of diversity among various programs as the initial VORP concept is further replicated. It should be noted that many programs based upon the concept of victim/offender mediation and reconciliation do not always call themselves VORP. While programs incorporating the victim/offender reconciliation concept continue to be developed primarily by private organizations, two public sector/system-based programs are enriching the VORP concept by applying mediation techniques to more violent offenses. In such cases, the need for clarification of the facts, expression of feelings, and closure would seem to be even greater for some victims. Both the Genesee County Sheriff's Department in upstate New York and the Oklahoma Department of Corrections have used the victim/offender mediation process in a select number of violent felony cases such as negligent homicide, armed robbery, and rape. More recently, victim/offender reconciliation programs have been developed and are at various stages of implementation in several larger urban, multi-cultural jurisdictions, including St. Louis, Missouri, Milwaukee, Wisconsin, and Minneapolis, Minnesota, necessitating further adaptation of the initial concept.

FEDERAL PROBATION

With the even larger growth of community dispute resolution programs and neighborhood justice centers throughout the country, it became very important during the course of this survey to identify those programs which more clearly utilized the victim/offender reconciliation process. These specific criteria were used to distinguish VORP type of programs from the much larger number of community dispute resolution programs that work with minor disputes or civil court related issues. These criteria included:

- A) The program involves a face-to-face meeting, in the presence of a trained mediator, between an individual who has been victimized by crime and the perpetrator of that crime.
- B) The program operates in the context of the juvenile and/or criminal justice systems rather than the civil court.
- C) In addition to the likelihood of a restitution obligation, the program focuses at some level of intensity upon the need for reconciliation of the conflict (i.e., expression of feelings; greater understanding of the event and each other; closure).

A brief summary of some of the information received from this survey is illustrative of the diversity within the network of programs providing victim/offender mediation and reconciliation services throughout the United States. A total of 32 programs were identified (representing 42 different jurisdictions with a program office), including 21 currently in operation and 11 in development with plans for full implementation in 1985. A number of other projects were also located but were excluded from this survey since they were at such early stages of development, and a full commitment to implementation during 1985 was unclear. Of the 32 programs in the survey, 78 percent were developed by private sector organizations and 22 percent were system-based/public sector projects. The annual referral caseload for all of these programs totaled just over 2,400, with 1,000 of these referrals from the Oklahoma statewide Post-Conviction Victim Offender Mediation Program.

Cases referred that actually resulted in a face-to-face meeting between the victim and offender ranged from 50 percent to 100 percent, depending on the program. The most common figure for cases resulting in a meeting was near 60 percent. While VORP began primarily with juvenile offenders during its early development (1978) in Elkhart, Indiana, the survey found that of those programs which clearly identified the target population for referrals, 54 percent represent primarily juvenile referrals, and 46 percent represent primarily adults. Many programs work with both. The most common offenses referred were

theft and burglary, with 75 percent of all programs where such information was provided working with predominately felony offenses. Community volunteer mediators were used by 77 percent of the programs providing data, representing a total of nearly 275 volunteers.

Finally, in reference to the point in the criminal justice system at which the actual VORP meeting occurs, 49 percent of the programs reported victim/offender meetings at a pretrial diversion stage, 66 percent reported meetings held between conviction/adjudication and sentencing/disposition, and 76 percent reported that VORP meetings occurred after sentencing/disposition. Many programs had VORP meetings occurring at more than one intervention point. Some involved all three within the same program.

In order to further highlight the manner in which this justice reform has taken hold during the past 7 years in the United States, four specific programs will be briefly highlighted. Two of these programs represent private sector initiatives and the other two represent system-based programs in the public sector. Together, these programs which are operating in Indiana, Minnesota, Massachusetts, and New York display much of the diversity found within the growing network of programs providing victim/offender reconciliation services throughout the United States.

Valparaiso, Indiana

The Victim Offender Reconciliation Program in Valparaiso, Indiana, 50 miles east of Chicago, was developed in January 1983 by Porter County PACT. With Valparaiso being part of the broader Chicago metropolitan area, the VORP there serves a county of 120,000 characterized by the extremes of both heavy industry (steel mills) and agriculture. Referrals to the program come from probation officers, judges, and defense attorneys. A close and supportive working relationship is maintained between the courts and probation department in Porter County and Porter County PACT, a private sector organization. During fiscal year 1985 (July 1, 1984 through June 30, 1985), 123 cases (victim/offender combinations) were accepted into the VORP program in Valparaiso, with 55 percent of these cases resulting in a face-to-face victim/offender meeting, most often mediated by a trained community volunteer. Seventy-two offenders and 84 victims were accepted into the program. Nearly 80 percent of cases (victim/offender combinations) involved juvenile offenders, with burglary, theft, and criminal mischief representing the most common offenses. Nine out of 10 restitution contracts negotiated by victims and offenders were completed.

VICTIM/OFFENDER MEDIATION

While initial development of this VORP focused upon post-adjudication/conviction referrals, more recently program referral criteria and procedures have been revised in order to secure referrals at a much earlier point in the justice process, including the preference for the face-to-face victim/offender meeting to occur following adjudication/conviction and prior to disposition/sentencing. These recent program revisions have also resulted in a significant increase in case referrals, including increases in adult offenders and felony type offenses. Contrary to nearly all other VORP projects, direct payment of financial restitution by the offender to the victim is allowed by the court in this program. Additionally, the Victim Offender Reconciliation Program in Valparaiso, Indiana appears to be the first VORP project in the country to systematically experiment with the use of followup victim/offender meetings in order to strengthen the process of reconciliation.

Minneapolis, Minnesota

The effort to develop a Victim Offender Reconciliation Program in the Minneapolis/St. Paul area represented one of the first major efforts to replicate VORP in a large urban and multicultural setting. VORP began accepting cases in February 1985. The program was developed by the Minnesota Citizens Council on Crime and Justice, a well-established private organization operating Crime Victim Centers, a program for families of inmates, an educational program, and a research division. Referrals come from probation officers, and the program works closely with the probation and court services staff in both Hennepin and Ramsey counties.

By the end of 1985, the program in Hennepin County (Minneapolis) had received referral of 52 juveniles; of these, 41 (79 percent) participated in the program. There were also 41 victims of these offenders, although this does not imply a one-to-one match. Some offenders had more than one victim, and, in some cases, more than one offender victimized a single victim. Of these 41 victims, 68 percent (28) agreed to participate in the VORP program. The 28 victims who agreed to participate had a total of 34 offenders. This resulted in 13 offenders not participating because of the victims' decision against participation. As a result of face-to-face victim-offender meetings, a total of 45 agreements were negotiated, involving 32 offenders and 27 victims; only two meetings (one victim and two offenders) did not result in an agreement. Nearly \$2,000 in monetary restitution was agreed to, along with 178 hours of service to the victim and 307 hours of free community service. Plans are currently under way to receive juvenile and adult referrals in Ramsey County (St. Paul).

This VORP project is focusing upon offenders adjudicated/convicted of burglary. Victim/offender meetings occur between the point of adjudication/conviction and disposition/sentencing whenever this is possible. Oftentimes meetings occur following the disposition/sentencing hearing. It is currently projected that as the program becomes fully operational, 120 cases will be referred to VORP annually. Use of co-mediators, neighborhood volunteers, and followup victim/offender meetings is being considered.

Quincy, Massachusetts

Having already pioneered the nationally recognized "EARN-IT" Program involving a very extensive use of community service and restitution, Judge Albert Kramer initiated the development of a program to provide victim/offender mediation and reconciliation services out of the Probation Department of the Quincy District Court. While Quincy itself has a population of about 100,000, it is actually part of the larger Boston metropolitan area. During a recent year, 60 cases (offenders) were referred to the program, involving 60 victims as well. Eighty percent of the cases referred resulted in actual victim/offender meetings. These sessions occurred either between adjudication/conviction and disposition/sentencing or after disposition/sentencing. Eighty percent of referrals represented adult offenders, and 60 percent of referrals represented felony offenses.

The victim/offender mediation program in Quincy, Massachusetts functions as part of the larger EARN-IT Program. A separate staff person was hired to direct the program, and this individual has no probation caseload responsibilities. The VORP concept is used as a technique for collection of restitution. Eighty-five percent of contracts worked out by victims and offenders were completed.

Batavia, New York

The Genesee County Sheriff's Department in upstate New York (Batavia) is the only known law enforcement agency in the country to be sponsoring a program incorporating the victim/offender reconciliation concept. In 1983, Sheriff Doug Call initiated the Community Service/Victim Assistance Program in this small rural county of 60,000. The manner in which the victim/offender reconciliation concept has been used in this jurisdiction is rather unique in that it is part of a larger and more intense victim assistance program. VORP is part of a larger victim assistance and victim directed sentencing program operated by the Genesee County Sheriff's Department. While only 17 cases had been processed as of early 1985, the quality of these cases has been rather

exceptional. Whereas nearly all victim/offender reconciliation type of programs work primarily with non-violent felony offenses, nearly all of these cases in Genesee County have represented violent offenses such as criminal negligent homicide, rape, armed robbery, assault, and sodomy. Referrals to this program come from the courts and the District Attorney. Actual VORP meetings usually occur either between conviction and sentencing or after sentencing.

The sheriff and his assistant, Dennis Wittman, have chosen to use victim/offender reconciliation conferences only in more serious cases involving harm to people, including loss of life, since it is their belief that there is often a far greater need for expression of feelings to the offender, understanding of the event, and working toward closure among selected victims of such traumatic crimes. Only those victims who have already received an extensive amount of service from the Sheriff's Department and who express willingness to confront the offender are considered for the victim/offender reconciliation conferences. Participation by the offender is usually part of a larger package of sanctions, often including limited incarceration in the jail. The actual victim/offender conferences focus entirely upon reconciliation of the conflict. Discussion of restitution does not usually occur, although the Sheriff's Department does make sentencing recommendations to the court which may include restitution or a reparation payment. All cases are mediated by the staff director of the program, although other staff or volunteer co-mediators are sometimes used.

Conclusion

The victim/offender mediation and reconciliation process has clearly grown from an experimental concept to an increasingly accepted program within the criminal justice system, in numerous and diverse jurisdictions. At the time this article was prepared, more than 50 different program sites providing victim/offender mediation and reconciliation services were known to be in operation or development. Based upon the continuing requests received by the National Victim Offender Reconciliation Resource Center for either general information or on-site technical assistance, it would seem likely that additional programs applying victim/offender mediation

and reconciliation techniques will be developed in the future. The constituency advocating this concept remains rather modest in size, and the actual process is certainly no panacea to be applied indiscriminately to all victims and offenders. In no cases are victims to be forced or coerced into participating in mediation. To the contrary, extreme sensitivity and patience must be exercised in encouraging victim involvement.

Victim/offender mediation appears to offer a helpful sentencing alternative to the courts for appropriate cases. It certainly has the potential for strengthening offenders' accountability to their specific victims and to offer victims a unique opportunity to be directly involved in the process of justice. Yet mediation of victim/offender conflict can perhaps also increasingly offer a creative, though small, contribution to both the larger victim advocacy movement, as exemplified by NOVA (National Organization for Victim Assistance), as well as the broader dispute resolution movement, as seen by the leadership of the American Bar Association, the National Institute for Dispute Resolution, and other related organizations.

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Research

VICTIMS SEEK FAIRNESS, NOT REVENGE

A Study of Burglary Victims Referred to a Victim-Offender Mediation Program

Victims of crime are frequently portrayed as demanding harsher punishment of criminals. The need for longer sentences, more prisons, and even the death penalty, for some, are frequent themes presented in the media and speeches of ambitious politicians. It is assumed by many that crime victims, and the general public, would have little interest in alternative non-prison punishments and even less interest in programs to rehabilitate offenders.

There is a growing body of research, however, that would suggest that the general public, including crime victims, are far less vindictive than commonly portrayed and far more concerned about the need for treatment programs to rehabilitate offenders.

A recent study of burglary victims conducted by the Minnesota Citizens Council on Crime and Justice lends additional strength to the growing awareness that lengthy incarceration is *not* the primary justice concern of many people. Without question, nearly all citizens, and crime victims specifically, want criminals to be held accountable through some form of punishment. For many, however, their need for justice and fairness is grounded more in a deep concern that law violators, particularly juveniles, receive humane treatment and counseling that can lead to their rehabilitation, rather than a belief in the need for lengthy incarceration requiring an enormous commitment of public funds that could be used for other important public needs.

This study consisted of fifty (50) face-to-face interviews with victims of burglary in Hennepin County, Minnesota (Minneapolis area) who were referred to the Victim-Offender Reconciliation Program (VORP) of the Minnesota Citizens Council on Crime and Justice, during 1986 and 1987. Sixty-two (62%) percent of the victims who were interviewed for the study participated in a mediation session with their offender. The remainder chose not to enter the mediation process, even though they were referred to VORP.

Experience in the field of victim-offender mediation suggests there is a rather high level of client satisfaction with the program; however little is known about the various meanings of fairness as experienced by participants.

The study was guided by the following questions.

1. What is the meaning of fairness to crime victims who have been referred to a victim-offender mediation program?
2. To what extent are crime victims who participated in a victim-offender mediation program satisfied with the mediation process?

The study generated the following findings. (It is important to understand these findings in the context of burglary committed by juveniles and referral of the victim and offender to the Victim-Offender Reconciliation Program (VORP) in Hennepin County (Minneapolis area) Minnesota. These findings cannot be generalized to a larger population, although they do suggest important themes that may be present in other jurisdictions.)

SUMMARY OF FINDINGS

1. The dominant meaning of fairness to burglary victims in the study focused upon more of a "restorative" than a "retributive" sense of justice.
2. Three dimensions of fairness emerged from the interviews with victims of burglary by juveniles: punishment of the offender; compensation of the victim; and rehabilitation of the offender. These dimensions were found both for victims who participated in mediation (62%) and those who were referred to the program but chose not to enter the mediation process (38%).
3. The most frequent and intense concern about fairness expressed by victims of juvenile burglary was related to rehabilitation services for their offender, such as counseling, family therapy or educational assistance. Both victims who participated in mediation (100%) and those who did not (90%) expressed this concern.
4. Compensation of the victim for their losses, through restitution by the offender, was the second most frequent concern about fairness.
5. Punishment of their offender through some type of incarceration was the least frequent concern about fairness.

6. The qualitative data from the open-ended questions allowed for construction of a typology of fairness consisting of three categories represented by the metaphors of: "The Healer" (rehabilitation); "The Fixer" (compensation); and, "The Avenger" (punishment).
7. Participation by crime victims in the criminal justice process was found to be a major element of fairness across all categories of victims. The importance of victim participation in the justice process included both passive forms (information provision by letter) and active forms (court appearance and/or mediation).
8. Participants in the victim-offender mediation process indicated a very high level of satisfaction: 97% felt they were treated fairly in the mediation session; 94% felt the mediator was fair; 93% felt the negotiated restitution agreement was fair; 86% found it helpful to meet the offender, talk about the offense and negotiate a plan for restitution.
9. Victims who were referred to VORP and participated in a mediation session with their offender were considerably more likely to have experienced fairness (80%) with the manner in which the criminal justice system dealt with their case than those victims who were referred to VORP but chose not to enter mediation (38%).
10. The client satisfaction data from this study would suggest that the mediation process, including an empowering style of mediation employed by the VORP project in Minnesota contributes to crime victim experience of fairness, although the precise nature and degree of that contribution cannot be determined given the limitations of this study.
11. The data from this study also suggests that placing certain victims in a far more active role in the criminal justice process, including negotiating a portion of the penalty (restitution) incurred by their offender, may need broader consideration by criminal justice policy makers.

Source — "Victim Understanding of Fairness: Burglary Victims in Victim/Offender Mediation" (July, 1988)

— Mark S. Umbreit, Vice-President for Research and Programs, Minnesota Citizens Council on Crime and Justice.

K-23

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MEDIATION**

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*Victim - Offender
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VOLUNTEERS IN CORRECTIONS

Introduction

Volunteers and interns can play an important role in helping correctional agencies initiate or enhance victim services and programs. The "person power" offered by volunteers greatly assists professional staff in victim service program management and implementation.

Volunteering for victims in corrections is also a highly rewarding experience. Rather than being assigned to "busy work," many volunteers and interns assume job responsibilities that enhance their own personal sense of value and accomplishment. Their ongoing contacts with corrections professionals, victim service providers, crime victims, and allied professionals combine to make the volunteer experience truly enjoyable.

Many volunteers and interns end up pursuing careers in corrections and/or victim services as a result of their experiences with corrections-based victim service programs. Such volunteer experiences can, therefore, be viewed as opportunities for on-the-job training and career development.

Perhaps most important, volunteers and interns tremendously enhance the capabilities of professional staff to whom they are assigned. They can ease both the workload and job-related stress often associated with corrections professionals who work in victim service programs.

The Role of Volunteers and Interns

There are myriad possibilities for involving volunteers and interns in corrections-based victim service programs. Volunteer job assignments may vary depending on the agency's or program's specific needs.

Some of the many roles volunteers and interns can perform include, but are not limited to:

- Assisting with victim notification correspondence and communications;
- Responding to victim inquiries;

- Coordinating victim information and referral services;
- Coordinating and facilitating group forums and staff training seminars;
- Assisting with research to:
 - expand victim services;
 - develop new program materials;
 - develop issue and/or position papers for the program; and
 - examine other agencies program models for replication.
- Assisting with agency liaison activities with the victim service community;
- Assisting with the annual commemoration of National Crime Victims' Rights Week in April;
- Accompanying victims to parole or other release hearings;
- Staffing victim waiting rooms for release hearings (where applicable);
- Using computer expertise to analyze and manage official agency information related to victim services and victim assistance;
- Counseling victims (when appropriate and when the volunteer/intern possesses educational and professional expertise);
- Assisting with legislative initiatives related to crime victims and corrections;
- Assisting (as presenters or aides) with Impact of Crime on Victims classes; and
- Organizing and participating in agency/department speakers bureau.

Volunteer Recruitment

There are myriad opportunities to recruit volunteers and interns from the community.

It is important as a function of volunteer recruitment for the agency to have a clear idea of exactly what functions it wants volunteers to fulfill. A one-page announcement for volunteer positions or internships -- which highlights major responsibilities, functions and preferred qualifications -- can simplify the recruitment process. A sample announcement is included in Appendix A. A detailed volunteer duty statement is included in Appendix B.

Some excellent community resources for volunteer and intern recruitment include, but are not limited to:

- Institutions of higher education, especially departments of:
 - criminal justice;
 - corrections;
 - social work;
 - psychology;
 - sociology; and/or
 - child development.
- Victim service agencies;
- Victim support groups (for recruitment of crime victims);
- Civic service organizations;
- Retiree organizations;
- Labor unions; and
- Other community groups.

In addition, some agencies work closely with ex-offender groups, whose members volunteer for a variety of job responsibilities in both institutional and community corrections.

Volunteer Management

If the agency does not have a person assigned specifically to coordinate volunteer services, a staff member should assume this important responsibility. The agency must also have a clear directive or policy statement regarding the utilization of volunteers and interns, which should include detailed information about:

- Responsibilities of the staff member assigned to volunteer coordination and/or management;
- Volunteer classification and responsibilities;
- Volunteer recruitment, screening and training;
- Volunteer supervision and evaluation;
- Security precautions for volunteers; and
- Any other issues pertaining to the successful management of volunteers within the agency.

A sample agency directive developed by the South Carolina Department of Probation, Parole and Pardons Services -- with detailed policies and procedures -- is included in Appendix C. The California Department of Corrections Operations Manual Subchapter relative to volunteers is included in Appendix D.

Volunteers in Institutions

Volunteers and interns whose responsibilities involve work within institutions require clearly articulated guidelines relative to their assignments and job performances. The Northern Reception Center of the California Youth Authority has developed *volunteer program guidelines* which include:

- Description of minimum qualifications;

- Description of possible volunteer assignments;
- "A Basic Guide of Do's and Don't's;"
- Volunteer staff application form; and
- Volunteer applicant letter of reference.

The CYA *volunteer program guidelines* are included in Appendix C.

Appendix A : South Carolina Volunteer/Intern Position Announcement

State of South Carolina

Department of Probation, Parole, and Pardon Services

HON. RAYMOND J. ROSSI
Chairman
Member-At-Large

HON. J.P. HODGES
Vice Chairman
District Six

HON. WILLIE E. GIVENS, JR., D.D.
Secretary
District One

2221 DEVINE STREET, SUITE 600
POST OFFICE BOX 50666
COLUMBIA, SOUTH CAROLINA 29250
(803) 734-9220

MICHAEL J. CAVANAUGH
Commissioner

HON. J. RHETT JACKSON
Chairman, 1987 - 1988
District Two

HON. DR. JERRY M. NEAL
Chairman, 1989 - 1990
District Three

HON. MARION BEASLEY
Chairman, 1985 - 1986
District Four

HON. LEE R. CATHCART
District Five

Internship/Volunteer Positions Available (non-paid)

Position: Victim Services Office

Major Responsibility: Assist and supplement duties of existing Victim Services staff.

General Functions: Prepare initial Victim Notification packets. Assist in identifying and locating crime victims. Provide information and/or assistance to victims when necessary. Conduct research regarding victims services in and outside of the Fifth Judicial Circuit. Perform other miscellaneous duties as needed.

Preferred Qualifications: Persons interested in the development and operation of services for crime victims. High school education or equivalent.

Location/Hours: Charleston County Probation/Parole Office, 200 Coming St., Charleston, SC / 10 or more hours per week during regular business hours.

For additional information contact: Scott Norton, 734-9240 or Jacqueline Flynt, 724-6700.

The S.C. Department of Probation, Parole and Pardon Services is responsible for monitoring and meeting the needs of offenders under supervision in the community. The Victim Services Office is responsible for addressing the needs of the victims of these offenders.

DIVISION OF
OPERATIONS/FIELD SERVICES
(803) 734-9240

DIVISION OF
PAROLES AND PARDONS
(803) 734-9262

DIVISION OF
ADMINISTRATIVE SERVICES
(803) 734-9244

DUTY STATEMENT
STUDENT ASSISTANT
SPECIAL PROJECTS BRANCH
VICTIM SERVICES PROGRAM

Under the direction of the Staff Services Manager I, Special Projects Branch, the Student Assistant will serve as support to the Victim Services Program. The Student Assistant will provide assistance to crime victims both by telephone and written correspondence. The Student Assistant will also assist in the planning, coordination and facilitation of meetings, departmental and community forums/conferences, public education speaking engagements and training activities both within and outside the Department. The major duties are as follows:

- 25% Coordinate, plan and facilitate group forums, staff training sessions and inmate awareness groups in conjunction with community service groups, victims and victim service organizations. Plan, coordinate and facilitate meetings, departmental and community forums/conferences, and public education speaking engagements. This includes assisting in the development of agendas, arranging for meeting facilities, helping to obtain expert resource persons and guest speakers, obtaining and organizing materials, assisting committees in the development of issue papers and workgroup plans.
- 25% Assist in the coordination of departmental staff efforts to gather information and material from departmental programs, correctional committees and work groups, victims and victim service organizations, and other work groups as necessary. Assist in the development of the Department's response and production of documentation to such groups.
- 25% Respond to victims' inquiries regarding statutorily mandated victims' rights, offenders' release and parole dates, location, and parole conditions. Act as liaison between victims, paroles, institution staff, and community-based victim service providers.
- 10% Assist in writing and/or providing editorial services in developing final reports and documents. Uses computer software to develop programs to analyze, merge, manage, control and report official information. Analyze and evaluate compliance consistent with established law, policy and procedure.
- 10% Consult and coordinates with top level management and staff on issues relating to the activities of the Victim Services Program.
- 5% Other duties as required.

S.C. DEPARTMENT OF PROBATION,
PAROLE, AND PARDON SERVICES

Page 1
06/18/91

DIRECTIVE # SUP.21

TAB: SUPERVISION (SUP)

SUBJECT: VOLUNTEER SERVICES PROGRAM

Policy

The SCDPPPS shall establish a Volunteer Services Program (VSP) to augment and support the services of Probation and Parole Agents and to improve the public's awareness of the Department's mission and responsibilities.

Procedures

I. VSP STAFF RESPONSIBILITIES

1. The Coordinator of Volunteer Services (CVS) shall be responsible for the development, implementation and coordination of the Volunteer Services Program (VSP) statewide. The CVS will direct the supervision and evaluation of programs while providing technical assistance and initiating action to ensure compliance with program policy and procedures.

The CVS will monitor the responsibilities of the Regional Program Administrator with regards to volunteer services. The CVS will provide technical assistance to the Regional Program Administrator regarding the training of Volunteer Liaisons and Volunteers. The CVS will coordinate program budgets, produce annual and special reports, complete program studies, and maintain statistical information concerning program activities.

The CVS will serve as Agency representative on statewide volunteer councils, conferences, and planning committees to coordinate efforts of volunteer recruitment and utilization. The CVS will coordinate and monitor the efforts of program advisory boards and field committees and serve as liaison with religious, civic, service, fraternal and industry organizations in coordinating volunteer efforts. The CVS will develop and distribute promotional materials for recruiting and recognizing volunteers and program activities. The CVS will develop and distribute VSP informational material for volunteers and related organizations.

2. The Regional Program Administrator (RPA) shall be responsible for coordinating volunteer services within the respective region. The RPA will plan and implement the volunteer services deemed appropriate for the county offices. The RPA will plan, schedule and conduct training programs for Volunteer Liaisons to ensure proper supervision, evaluation, utilization and on-the-job training of volunteers. The RPA will monitor the responsibilities of the Volunteer Liaisons, promote the positive use of volunteer service by staff and respond to problems between staff, community, organizations and volunteers. The RPA will maintain regional reports on monthly volunteer service workload.

The RPA will plan and conduct volunteer recruitment efforts by conveying, through personal contact with various community organizations, the needs, opportunities and advantages of the VSP. The RPA will identify and screen potential volunteers to determine the interests, skills and abilities of volunteers relative to program needs. The RPA will plan, schedule and conduct orientation and training programs for volunteers, assign certified volunteers to appropriate areas, and participate in volunteer recognition programs.

3. The Volunteer Liaison shall be a designated agent within each county responsible for coordinating volunteer services within the county office. Volunteer Liaisons shall be designated by the Agent in Charge with consideration given to the following preferred knowledge, skills and abilities:
 - * Considerable knowledge of Agency organization and procedures;
 - * Considerable knowledge of local service, civic and charity organizations;
 - * Ability to communicate effectively with public and professional disciplines;

- * Ability to effectively coordinate and monitor the activities of volunteers;
- * Willingness to be receptive and positive toward the development of volunteer services within the county office.

The Volunteer Liaison will develop and conduct proper on-the-job training and orientation of volunteers. The Volunteer Liaison will coordinate and supervise volunteer activities, provide written evaluations of volunteer performance and respond to problems between staff and volunteers. The Volunteer Liaison will promote and monitor the positive use of volunteer services by staff members. The Volunteer Liaison will develop and promote volunteer opportunities within the office and maintain monthly volunteer workload reports.

The Volunteer Liaison will promote the program with various local community organizations and notify the Regional Program Administrator of potential volunteers or volunteer sources. The Volunteer Liaison will assist with volunteer recognition programs.

4. Any SCDPPPS staff who has questions or concerns regarding any aspect of the VSP shall contact the Coordinator of Volunteer Services.

II. VOLUNTEER CLASSIFICATION AND RESPONSIBILITIES

1. A Volunteer shall mean any person who, of his own free will, provides goods or services without any financial gain, to the SCDPPPS.
2. Volunteers participating in the VSP shall be citizens of the local community who successfully complete the Volunteer Training Program and are certified as a System Services Volunteer or an Offender Services Volunteer.
3. The System Services Volunteer functions shall be defined to meet the needs of the county office as determined by the respective Volunteer Liaison and approved by the Regional Program Administrator. The following steps will be taken by the Volunteer Liaison to assess and meet the volunteer services need.
 - a. Meet with AIC and other relevant staff members to determine the areas of need in which the service of volunteers may be beneficial to the office or its staff members.
 - b. Determine and define the duties and functions for which a volunteer in this position will be responsible. Functions may include court assistance, agent/team assistance, special services assistance, and office assistance.
 - c. Forward to the Regional Program Administrator concise and specific position descriptions of the volunteer functions and define a quantity of volunteers requested.
 - d. The Regional Program Administrator will review the proposed position description to ensure that volunteer duties and activities comply with program parameters, procedures and policy. All proposed position descriptions must be approved by the Regional Program Administrator and the Coordinator of Volunteer Services prior to a volunteer's placement within the position.
 - e. The Volunteer Liaison will notify the Regional Program Administrator of the need for additional or replacement volunteers.
4. The Offender Services Volunteer functions shall be defined to meet the needs of the offenders as determined by the respective Volunteer Liaison and approved by the Regional Program Administrator. The following steps will be taken by the Volunteer Liaison to assess and meet the volunteer services need.
 - a. Meet with AIC and other relevant staff members to determine areas of need in which the service of volunteers may be beneficial to offenders.
 - b. Determine and define the duties and functions for which a volunteer in this position will be responsible. Functions may include job development and community sponsor.
 - c. Forward to the Regional Program Administrator concise and specific position descriptions of the volunteer functions and define a quantity of volunteers requested.

- d. The Regional Program Administrator will review the proposed position description to ensure that volunteer duties and activities comply with program parameters, procedures and policy. All proposed position descriptions must be approved by the Regional Program Administrator and the Coordinator of Volunteer Services prior to a volunteer's placement within the position.
 - e. The Volunteer Liaison will notify the Regional Program Administrator of the need for additional or replacement volunteers.
5. Volunteer functions and responsibilities parameters are as follows:
- a. Volunteers are not officers of the court and shall not be an active participant in courtroom proceedings (i.e., dispense information to courtroom personnel).
 - b. Volunteer services shall not be used to replace or lessen the responsibilities of an agent regarding:
 - *Risk Management Classification;
 - *Supervision Standards;
 - *Supervision Plans;
 - *Needs Assessment;
 - *Field Sheet (Form 37) documentation.
6. Volunteers are subject to proper use of office equipment and supplies. Volunteers shall not have access to personal use of Department weapons or automobiles.
7. Volunteers shall not possess the authority of an Agent to command, impose, or require any action of an offender. However, when a volunteer has knowledge that an offender commits or is suspected of committing a violation of his or her conditions of supervision or the law, the volunteer shall immediately notify the supervising agent.
8. Volunteer activities shall, in no manner, undermine, disrupt, or contradict the Agent's decisions or supervision plan of an offender. Agents shall have sole discretion to determine and direct the activities of the offender.
9. Volunteers are subject to the VSP Personal Conduct Instructions and agreements and all relevant Directives contained in the Agency's Operations Manual, not inconsistent with VSP agreements, to include but not limited to:
- SUP: 21, and 22
COM: 3, 4, and 6
- The Agency's Operations Manual contains many sections which are not directly related to the VSP; however, when a situation occurs with which the volunteer is not familiar with Department policy or procedure, he should consult the Agency's Operations Manual or the Volunteer Liaison, as appropriate.
10. When a situation occurs with which the volunteer is in doubt about the action to be taken with an offender, he should consult with the Volunteer Liaison or the supervising agent, as appropriate.
 11. Volunteers shall maintain written records of all activities involving an offender by completing the Volunteer/Offender Activity Report (Form VP.2) and will forward a copy of this report to the supervising agent on a regular basis.
 12. Information received from volunteers shall be documented by supervising agents in accordance with Directive SUP.1.
 13. Volunteers shall not participate in the borrowing or lending of money or possessions with offenders. Volunteers shall not, in any manner, participate in or handle any financial transaction involving an offender.
 14. Volunteers shall not communicate or impart information either in writing or verbally to unauthorized persons (refer to COM.3 and 4).
 15. Volunteers shall maintain a monthly record of hours worked by completing the Volunteer Monthly Activity Report (Form VP.3) and forwarding the original report to the Volunteer Liaison by the first of each month.

III. VSP REFERRAL PROCESS

1. The supervising agent shall use pre-sentence, court intake reports, assessment, prior investigation reports and other screening processes to determine an offender's needs and suitability for the VSP.
2. When referring an offender to the VSP the supervising agent will complete the Volunteer Services Program Referral Form (Form VP.1) and forward a copy to the Volunteer Liaison. The Volunteer Liaison will match an offender to a volunteer based on the program requested, volunteer workload, and volunteer availability. The Volunteer Liaison will ensure that all volunteers receive a copy of the VSP referral form when working with an offender.
3. The supervising agent shall receive notification of the offender's assigned volunteer within 15 days of the referral.

IV. VOLUNTEER RECRUITMENT/SCREENING/TRAINING

1. The Regional Program Administrator (RPA) shall be responsible for coordinating the recruitment of volunteers. All persons interested in participating in the VSP shall be referred to the respective RPA.
2. The volunteer screening process shall include interviews, training and orientation programs, and background investigations which will be performed by the RPA.
3. All volunteers participating in the VSP must be approved by the Coordinator of Volunteer Services/RPA.
4. Applicants with prior criminal convictions will be considered based upon the nature of the offense(s), period of time since offense(s) committed, and behavior since the offense(s).
5. Volunteers must successfully complete the Pre-Service Training and Orientation to receive certification as a VSP volunteer.
6. Upon the successful completion of the Pre-Service Training and Orientation session(s) the RPA shall have each volunteer review and sign the Volunteer Services Program, Placement Acceptance Agreement (Note: Six (6) page document includes the confidentiality, hold harmless and automobile insurance statements).
7. Volunteer Liaisons shall provide each volunteer with on-the-job training as a system services volunteer or an offender services volunteer.
8. Volunteers must attend three (3) in-service training sessions each year to maintain certification. The Regional Program Administrator will offer and conduct these training programs on a regular basis.

V. VOLUNTEER SUPERVISION AND EVALUATION

1. The Volunteer Liaison shall provide direct supervision to the volunteer and perform annual evaluations of each volunteer's performance. Informal evaluations may be performed at the Volunteer Liaison's discretion. The Volunteer Liaison will ask each volunteer to complete an exit interview prior to their separation from the VSP.
2. Upon the assignment of a volunteer to a county office, the Volunteer Liaison will schedule and initiate on-the-job training and orientation of the volunteer within 15 days.
3. The Volunteer Liaison will assign the volunteer to their position of responsibility within 15 days of the completion of their on-the-job training and orientation.
4. The Regional Program Administrator shall monitor and guide the responsibilities of the Volunteer Liaison and provide volunteers with extended guidance.
5. The Coordinator of Volunteer Services shall monitor and guide the responsibilities of the Regional Program Administrator, with regard to the VSP, and provide volunteers with extended guidance.

VI. OFFENDER PARTICIPATION

1. All offenders shall be considered for referral to the VSP. Supervising agents shall document on the Form #37 the reasons for an offender's referral to the VSP.
2. Offenders whose behavior is disruptive, uncooperative, threatening, or violent, while participating in the program, shall be reported to the supervising agent immediately. The supervising agent must assess the nature and seriousness of the actions to determine whether the offender should be removed from the program and document his decisions.
3. No offender shall be assessed fees by the Department, a VSP volunteer or the VSP for benefits obtained from the volunteer or the VSP. This fee prohibition does not affect supervision fees or fees charged by other agencies or organizations.

VII. ARRESTS/VIOLATIONS/BOARD AND COURT APPEARANCES

1. Volunteers shall not participate in the investigation, arrest, detainment, or transportation of an offender being arrested or served with legal process.
2. Volunteers shall not aid an offender's release from custody through the posting or assistance in the posting of bond.
3. Volunteers are not to appear on behalf of the client at any bond hearing, preliminary hearing, court proceeding, or revocation proceeding without the consent of the supervising agent. This shall apply to all legal proceedings of an offender including those not originating from this Department. Volunteers shall immediately notify the CVS if they are subpoenaed or ordered to a legal or administrative hearing involving the offender.

VIII. DISCLOSURE OF INFORMATION TO VOLUNTEERS

1. Volunteers may be told confidential and privileged information by the supervising agent that is relevant and necessary for proper and safe completion of their responsibilities.
2. Volunteer Liaisons shall monitor all volunteer access to an offender's SCPPPS file. All information required from the offender's file shall be requested of and disseminated by the supervising agent or a designated staff member.

IX. IDENTIFICATION OF VOLUNTEERS


1. Volunteers shall wear the SCPPPS Identification Card on their person, in a manner which is readily noticeable, at all times when executing their VSP responsibilities.
2. Volunteer Identification Cards shall contain the volunteer's name, date of birth, social security number, height, weight, eye color, drivers license number, offender transportation authorization, card issuance and expiration dates, and identification card number.
3. Upon a volunteer's separation from the VSP the identification card shall be retrieved by the Volunteer Liaison and forwarded to the CVS.

X. TRANSPORTATION OF OFFENDERS

1. Volunteers authorized to transport offenders shall be designated as such on the Volunteer Identification Card. Volunteers without authorization shall not transport offenders.
2. Volunteers shall provide transportation for offenders when the activity is relevant to the volunteer's responsibilities and only if they are authorized.
3. Volunteers should notify their automobile insurance carrier of their participation in the VSP and of the potential for transportation of offenders.

XI. VSP WORKLOAD REPORTS

1. Volunteer Liaisons shall be responsible for completing the Monthly Office Activity Report (Form VP.4) and forwarding it to the Regional Program Administrator by the 5th of each month.
2. Regional Program Administrators shall be responsible for completing the Monthly Regional Activity Report (Form VP.12) and forwarding it to the Coordinator of Volunteer Services by the 15th of each month.

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**31040.1
POLICY**

The California Department of Corrections (Department) shall maximize the interaction of varied cultural and socioeconomic members of the community through their use as volunteers.

**31040.2
PURPOSE**

This section establishes objectives, standards and operational procedures for the use of volunteers.

**31040.3
DEFINITION**

Volunteers are persons who provide a service to the Department without expectation of remuneration.

Volunteers who provide services on an ongoing basis should be called long-term volunteers. Services provided by long-term volunteers are performed under supervision and are subject to performance requirements.

Persons who voluntarily perform a service for the Department on a temporary basis, such as to volunteer their talents for an entertainment show or participate in an athletic event, should be called short-term volunteers.

**31040.4
OBJECTIVES**

The objectives of the volunteer program are:

- To increase participation in correctional programming.
- To actively encourage inmate/parolee interest and participation in available programs.
- To contribute towards the public's accurate knowledge of the Department's operations.
- To provide a needed interchange between the community and the Department.

**31040.5
RESPONSIBILITY**

**Hiring
Authority**

Wardens and regional parole administrators (hiring authority) administer volunteer programs consistent with this policy.

- Provides appropriate and sufficient numbers of employees for the effective development, coordination and supervision of volunteer activities and programs.



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**Community
Resources Manager
(Institutions)/
Regional Parole
Administrator
(Paroles)**

- Delegates overall responsibility for the Volunteer Program as follows:
 - Institutions: To the community resources manager (CRM).
 - Parole and Community Services Division: To the regional parole administrator, or designee.
 - Central Office: To the Assistant Director, Community Resources Development or designee.
- Recruits new volunteers and develops volunteer/community programs in accordance with identified and prioritized needs of the location.
- Makes a positive effort, when appropriate, to recruit persons who are under-represented in terms of affirmative action goals.
- Reviews and approves the use of volunteers or outside resources in any local program when consistent with the goals and objectives of the Department.
 - Coordinates the screening and interview of prospective volunteers.
 - Obtains Criminal Identification and Investigation (CI&I) check.
 - Ensures that no security risks exist.
 - Accepts verification of certificates or licenses if professional services are offered.
 - Requests the issuance of identification cards for citizen volunteers.
- Maintains an index card file or roster identifying all volunteers, their hours of participation, duties and area of work.
- Develops policy governing job descriptions, recruitment, screening, training responsibility, and use and supervision of volunteers in conjunction with division heads, in-service training, managers and sponsors.



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- Evaluates the use of volunteers and the volunteer program on a regular basis to ensure:
 - Volunteer efforts compliment the activities of staff.
 - Selected volunteers are physically, mentally and emotionally able to provide the desired service.
 - Compliance with this section.
 - That all volunteers receive an orientation of the Department and their assigned location.
 - That incoming inmates and parolees returned to custody are encouraged to participate in the development of volunteer/community programs and are informed of these activities during their initial orientation.
 - Posts in conspicuous and accessible areas a current schedule of volunteer services, where available, and a contact person. This information shall be updated at least every six months when changes occur.
- Submits a quarterly report to the Assistant Director, Community Resources Development, which includes:
 - Number of volunteers.
 - Number of hours of volunteer activity.
 - Summary of added/discontinued programs.
 - Review of special events.
 - Summary of community contacts.
 - Review of procedural/administrative difficulties.
- Identify program areas where community resources are needed.
- Directly solicit citizen volunteers and community programs to meet needs, coordinating such activity in an institution with the CRM.

**Institution/
Division
Heads/Parole
Administrators**



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- Approve all volunteer duty statements or community program agreements operating within their program area.
- Participate in screening, interviews, orientation, evaluation and approval of volunteers when requested.
- Ensure that the number of volunteers and volunteer hours are reported monthly to the CRM.
- Arrange for fingerprints and photographs.
- Maintain personnel file for volunteers who receive identification cards.
- Provide a minimum of four hours orientation and training to include staff/inmate relations, emergency procedures, Information Practices Act and a tour.
- Infrequent volunteers may be oriented by their supervisor/sponsor with the approval of the CRM/regional parole administrator.
- Develop all volunteer duty statements within their program area.
- Determine the specific services the volunteer is to provide and communicates this information to the volunteer.
- Take actions as are necessary to ensure that volunteers understand their duties and responsibilities.
- Coordinate or conduct any necessary training so that the volunteer is familiar with California Code of Regulations, Title 15, Division 3, (Director's Rules) and is able to fulfill the requirements of the position.
- Notify the volunteer of any changes in rules/procedures or in their duties/responsibilities.
- Reviews with the volunteer the Digest of Laws Related to Association with Prison Inmates, CDC Form 181 (Exhibit A); ensures understanding of the material and answers any questions.

Personnel Office

**Local Training
Officer**

**Supervisor/
Sponsor**



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Volunteer

- Directly supervises all volunteers in the supervisor's program area on a day-to-day basis.
- Maintain attendance records on each volunteer using state time reporting forms showing the number of hours and days worked each month.
- Report the number of hours and days worked each month to the CRM.
- Record on the timekeeping form the number of inmates participating in each volunteer activity which involves a direct service to inmates.
- Ensure that the volunteer has an approved volunteer identification card or gate clearance. Renew these items when necessary and retain them upon expiration.
- Encourage volunteers to participate in in-service training programs and staff meetings.
- Performs the agreed upon service adequately, carefully and diligently without the expectation of pay or allowances.
 - Asks supervisors to explain duties.
 - Seeks clarification of unclear items.
- Agrees in writing to abide by Department policies.
- Completes satisfactorily:
 - Screening requirements.
 - Required forms/photograph/fingerprinting.
 - Orientation.
 - Verification of possession of credentials/licenses if a professional service is offered.
 - Annual evaluation.



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- Reports to a higher level supervisor any information which may affect the safety and welfare of volunteers, employees, inmates/parolees, the program, or the community.

**31040.6
APPOINTMENT
STANDARDS**

Approval for a volunteer position or a new community program shall be based on:

- Need of service offered.
- Qualifications of individuals offering service.
- Background clearance of individuals participating.
- Time and frequency of service offered.
- Space and employees needed for proper supervision.

**New Position
Approval**

New volunteer positions or programs require the review and approval of the hiring authority before implementation.

**Initiating
Requests**

Requests for volunteer positions are initiated as follows:

- Citizens shall submit a letter to the hiring authority; or,
- Sponsors shall submit a volunteer duty statement or Volunteer Service Agreement, CDC Form 966-A, (Exhibit B) to the appropriate authority:
 - Institution program head; or,
 - District parole administrator; or
 - Assistant Director, Community Resources Development.

**Requirements of
Sponsors**

Primary group sponsors shall be full-time employees. Citizen volunteers may be used as co-sponsors under the supervision of full-time employees.



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Retired departmental staff may be used if they achieved retirement under medical or longevity conditions. Other departmental retirees shall be reviewed and approved by the hiring authority prior to acceptance.

Upon approval of the position and selection of a potential volunteer, the sponsor shall escort the individual to the personnel office for completion of required documents and initiation of the screening process.

**31040.6.1
SCREENING**

The same general practices, methods, and procedures used to select employees shall be used in screening volunteers.

- Basic educational background and work experience information shall be obtained.
- An interview shall be conducted.
- Credentials/certificate status of volunteers performing professional services shall be verified.
- Tutoring or sponsorship of a craft or hobby program is not considered a professional service.

**31040.6.1.1
RELATIVES AND
VISITORS**

Inmate relatives [as defined in DR 3174(a)] and inmate visitors shall not be considered nor allowed to become volunteers.

**31040.6.2
VOLUNTEER FILES**

A file similar to the official employee personnel file shall be maintained on each volunteer. The file shall include the following at a minimum:

- Digest of Laws Related to Association With Prison Inmates, CDC Form 181 (Exhibit A).
- Volunteer Service Agreement, CDC Form 966-A (Exhibit B).
- Volunteer Participation Form, CDC Form 1049 (Exhibit C).



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- Oath of Allegiance, STD Form 689 (Exhibit D).
- Health Questionnaire, STD Form 610-HQ (Exhibit E).
- Emergency Notification, CDC Form 894 (Exhibit F).
- Authorization to Use Privately Owned Vehicles on State Business, STD Form 261 (Exhibit G).
- Statement acknowledging receipt of a copy of the Director's Rules and the Information Practices Act.

A separate record of each volunteer's name, address, and telephone number shall be kept in one of the following:

- Index card file.
- Register.

Unless litigation is pending, these records shall be destroyed as follows:

Index Card

Six months after the last date on which a service was provided by the volunteer.

Register Page

Six months after the last date on which a service was provided by any volunteer whose name appears on the page.

**31040.6.3
SECURITY CLEARANCE**

Prior to appointment, each volunteer shall satisfactorily complete the following security clearance.

- Volunteer issued identification cards:
 - A CI&I check using fingerprint cards shall be processed through the Department of Justice.
- Volunteers issued gate clearances only:
 - A CI&I clearance via CLETS shall be processed. Fingerprints shall not be required.

Security clearance shall be renewed on an annual basis.



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Ex-Felons

Volunteers who are ex-felons shall additionally be required to have the written approval of the hiring authority prior to admittance for participation in activities or programs.

- If the volunteer is on parole or probation, the written approval of both the caseworker and the hiring authority is required.

**Identification
Cards**

Volunteers shall be issued identification cards for approved ongoing volunteer activities which will occur on a frequent long-term basis - a minimum of six months with a frequency of more than one visit per month.

- Those who are involved with only one institution shall be issued a card by the specific warden.
- Those who are involved with more than one institution and/or function shall be issued cards signed by the Assistant Director, Community Resources Development.

In institutions, gate clearances issued for each visit are used for individuals or groups providing occasional volunteer services, such as outside ball teams, visiting religious groups, and entertainment groups. (See DOM 31070, Personnel Identification Cards.)

**Institutions -
Gate Clearance**

Gate clearance for outside guests shall be approved by the hiring authority or designee.

- The entrance gate officer shall be provided with a written gate clearance for outside guests.
- All outside guests shall have an identification document with a picture, (i.e., valid driver's license; Department of Motor Vehicle identification card; or other official, valid, positive identification).
- Guests may be issued a temporary gate pass. They shall be processed through the metal detector and allowed to proceed to their destination with an escort.



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- The senior manager on duty (e.g., watch commander, 3rd watch) may suspend prior approval with good cause (e.g., failure to adhere to Department rules/regulations). In such cases, a report explaining the reasons shall be routed to the hiring authority with a copy to the CRM.
- An approved volunteer under the age of eighteen years shall be accompanied by an authorized responsible adult.

**31040.7
VOLUNTEER
ORIENTATION**

Orientation shall be completed prior to assignment as a volunteer.

- Volunteers shall attend the existing orientation offered at the assigned location.

At a minimum, orientation shall consist of:

History

- History and policies of the Department and the assigned location.
- Notification of the provisions of the worker's compensation fund.

Programs

- Overview of the existing programs so that volunteers may develop a sense of their role in relation to other programs, including the work incentive program.

Duties

- Description of the volunteer's duties, lines of communication, supervision, and accountability. Public safety shall take precedence over all other considerations in the operation of the programs and activities of the Department.

**Service
Population**

- Review, in general terms, of the needs, attitudes, and lifestyles of the inmate population.

Rules

- Notification that volunteers are subject to the rules and regulations established by the hiring authority and the Director.
- Information on the pertinent rules affecting the security of the institution/parole office/unit and the safety of volunteers, employees, and inmates/parolees.



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**Confidential
Information**

- Explanation of the Information Practices Act provisions.
- The confidentiality of records and other privileged information shall be maintained. (See Information Practices in Section 13040 of this manual). A copy of IPA shall be provided.
- Inform volunteers they may be required to divulge information told in confidence by an inmate/parolee. Explain that only certain confidential relationships are legally recognized, i.e., patient/physician, lawyer/client, husband/wife. Therefore, it is possible that a volunteer may be compelled in a court of law to testify about relevant conversations with inmates/parolees.

**31040.8
VOLUNTEER
EVALUATION**

The hiring authority shall evaluate their volunteer programs annually to ensure:

- The volunteer activity complements the activities of employees.
- Volunteers are mentally and emotionally capable of providing the desired service.
- Duties are performed in a satisfactory manner with appropriate staff to supervise.
- Activities are consistent with departmental goals and objectives.
- Selection of volunteers is based on affirmative action goals.

The term of service by volunteers shall be contingent upon satisfactory evaluation by management.

**31040.8.1
VOLUNTEER
RECOGNITION**

Supervisors of volunteers shall periodically recognize exemplary volunteer services and programs in the following ways:

- Submission of a request for a certificate of recognition signed by the Director.
- Preparation of a letter of appreciation for the hiring authority's signature.



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Letters and justification for the recognition shall be submitted to the CRM, parole administrator, or division head before submission to the hiring authority.

Wardens, regional parole administrators, and division heads are encouraged to prepare press releases in coordination with the CRM for exemplary activities of a volunteer or volunteer program.

**31040.9
TERMINATION**

The hiring authority may limit or discontinue activities of any volunteer or volunteer group which may impede the security and/or orderly operation of the institution/region.

Criteria

A volunteer or community program shall be terminated if:

- The activity threatens the order and/or security of the program or facility.
- The activity threatens the safety of the volunteer, employees, public, or inmates.
- There is low inmate attendance.
- There is evidence of volunteer misconduct.
- It is not consistent with the mission and objectives of the institution or office.
- There is no appropriate staff supervisor available.

Volunteers or community group members shall receive written notification of their rejection or termination in an expeditious manner.

**Volunteer
Participation
Form (CDC 1049)**

The CRM or parole administrator shall provide a completed Volunteer Participation Form, CDC Form 1049, with copy to file, to each volunteer annually or upon termination of participation.

**31040.10
VOLUNTEER RIGHTS/
PRIVILEGES**

**Workers'
Compensation**

Volunteers are eligible for workers' compensation benefits as explained in Section 31020 of this manual. The same reporting procedures for injury or accident to an employee shall be used for volunteers.



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**Driving on State
Business**

Volunteers may drive a privately owned vehicle on state business providing an Authorization to Use Privately Owned Vehicles on State Business, STD Form 261 (Exhibit G) and Volunteer Service Agreement, CDC Form 966 (Exhibit H), are completed and approved by duly authorized supervisory personnel. Rules, requirements, and regulations shall be explained in detail to the volunteer. (See DOM 22020, Travel.)

Appeal

Volunteers who wish to appeal a decision for termination of their position or program may write the hiring authority.

**31040.11
ADVISORY
COMMITTEES**

Advisory committees provide positive benefits to the Department in the following areas:

- Public information.
- Community relations.
- Parole placement.
- Development of trade and industrial training programs.

Consultants

The Executive Officer, Prison Industry Board (PIB), is available to each institution and the Parole and Community Services Division (P&CSD) for consultation relative to advisory committees.

Central Office employees and parole employees shall actively participate as consultants to each institution, the P&CSD, and to the Executive Officer, PIB, in regard to advisory committees.

Joint conferences of institutional and parole employees, other state agencies, and advisory committees shall be held periodically to promote understanding of the overall program.

**Effectiveness
Factors**

The effectiveness of trade and parole advisory committees is enhanced by the following:

- Establishment of the committee as an affiliate of a larger community organization such as a service club or other established, reputable body.
- Membership in the advisory committees of an ideal cross-section of the community; i.e., ethnic groups, judiciary, clergy, law enforcement, business, labor unions, and community service groups.



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- Tours of institutions/camps and committee attendance at pre-parole classes, parole board hearings, and other activities contingent upon warden/regional parole administrator approval.
- Regular service of the membership account and demonstration of a personal interest in the activities of the group.
- Regional parole administrators' supervision and coordination of the planning and organization of committees in their regions.
- Understanding by employees of the purpose and goals of advisory groups so that better communication and public relations result.

31040.11.1
**TRADE ADVISORY
COMMITTEES**

The warden, where possible, shall establish trade advisory committees for vocational training programs in the area of vocational education, industries, maintenance, or food service. Trade advisory committees shall be composed as closely as possible of an equal number of persons nominated by representatives of management and labor. Committee members shall be appointed by hiring authorities from recommendations submitted by the groups represented.

Functions

Trade advisory committees shall provide:

- Consultation on space and equipment requirements, training procedure, and instructor qualifications and selection.
- Standards for inmate selection and training which are relevant to current methods and industry standards.
- Vocational guidance and evaluation of inmate trainees.
- Advice on employment opportunities upon release.
- A medium for better understanding between labor, private industry management, and the Department of Corrections.

Organization

Trade advisory committees shall be organized on the basis of one of the following:

- A master committee representing all vocational training areas within the institution with subcommittees for each trade or occupation.
- Individual trade advisory committees for each trade or occupation within the institution.



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**Institutional
Coordinator**

Each warden shall nominate for the approval of the Director of Corrections (Director), an institutional employee who shall:

- Obtain CI&I check.
- Coordinate the organization and programs of the trade advisory committees within that institution.
- Maintain and circulate minutes of meetings to all participants and appropriate departmental staff.
- Ensure compliance with the Department's Operations Manual.

This coordinator shall be assisted by employees representing education, plant operations, industries, and other institutional services.

**31040.11.2
PAROLE ADVISORY
COMMITTEES**

Regional parole administrators and their subordinate employees are encouraged to establish parole advisory committees.

These committees develop community interest and promote community support for parolees and correctional programs.

Functions

Parole advisory committees shall provide:

- A counselling and advisory resource to the parole agent.
- Knowledge of the community to assist newly released parolees in securing jobs or residency as follows:
 - Acting as voluntary consultants on release employment opportunities.
 - Giving practical assistance, vocational guidance, and evaluation of parolees.
 - Acting as consultants in vocational training of parolees.
 - Interpreting parole to the community leadership.



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Volunteers

31040.11.3
**CITIZENS' ADVISORY
COMMITTEES**

Functions

Each warden shall establish a Citizens Advisory Committee which shall be used to:

- Improve the public's understanding of correctional programs.
- Influence correctional directions.
- Suggest means to improve and participate in inmate programming.

The role of the committees is to:

- Provide an important opportunity for the Department to gain the support of interested and concerned citizens. Wardens shall extend an invitation to committee members to acquaint themselves with the institution's facilities and programs.
- Voice their concerns and make suggestions for facility and program enhancements as well as to support the institution or facility and its programs.
- Play a key role in furthering the Department's mission. Wardens shall regularly attend meetings and shall feel free to share information with the committee on problems, progress, and resolutions.
- Encourage community service projects, open houses, public education efforts, and any other appropriate activities aimed at strengthening the institution's partnership with the community.

Composition

Each warden shall appoint a 12 member Citizens Advisory Committee from a list of nominations submitted as follows:

- Two persons from nominations submitted by the Assembly member in whose district the prison is located.
- Two persons from nominations submitted by the Senator in whose district the prison is located.
- Two persons from nominations submitted by the city council of the city containing or nearest to the institution.



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- Two persons from nominations submitted by the county board of supervisors of the county containing the institution.
- One person from nominations submitted by the Chief of Police of the city containing or nearest to the institution and the county sheriff of the county containing the institution.
- Three persons selected by the warden including one who is a victim of a crime or a representative of a victim's organization.

Selection

Nominators shall submit biographical data for each nominee.

The Department's Equal Employment Opportunity (EEO) and affirmative action policies shall be considered in the selection of nominees.

Orientation

Appointed committee members shall complete an orientation which shall include:

- A meeting with the warden.
- Inmate, employee and community safety procedures.
- A tour of the institution.

**Committee
Member Files**

A file shall be maintained on each committee member which shall include:

- Oath of allegiance.
- Digest of laws relating to association with prison inmates.
- Statement acknowledging receipt of a copy of the Director's Rules and the Information Practices Act.

Operation

Each committee shall select a chairperson by majority vote who shall:

- Call meetings.
- Prepare meeting agendas.
- Preside over meetings.



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Term of Members

The term of office of all members shall be two years. Members shall not serve more than two years unless nominated and reappointed.

The warden shall solicit a listing of five nominees from designated nominators 90 days prior to the expiration of any member's terms.

Committee member resignations shall be submitted in writing to the chairperson.

Vacancies

Vacancies may result from a member's death, written resignation or unexcused absence from three consecutive meetings. The warden shall fill any vacancy upon receipt of written notification that a vacancy exists.

The warden may fill a vacancy with a person selected from, but not limited to, the list of nominees originally submitted by nominators. Additional names may be requested from the nominators by the warden.

Appointments to fill a vacancy shall be for the remainder of the unexpired term.

**Meetings and
Minutes**

The committee shall meet at least once every two months or as necessary to carry out the purposes and duties of the committee.

The warden shall meet with the committee at least four times per year. If the warden is unable to attend, the chief deputy warden shall attend. Attendance shall not be further delegated.

Committee meetings shall be open to the public. The date, time and place of each meeting shall be published in a local newspaper at least one week prior to the meeting.

Meetings shall be held outside the prison security area. Meetings may be held in public buildings away from the institution. If held on institution property, the meeting shall be accessible to the public without compromising security.

Minutes of each committee meeting shall be kept and a copy forwarded to the Deputy Director, Institutions Division.



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Visitation

Advisory committees shall have the power of visitation of prison facilities and personnel in furtherance of committee objectives except in situations where security would be jeopardized.

The warden shall schedule all visits, and shall personally escort the visitor(s). Scheduled visit agenda shall be subject to change based upon institutional situations at the time of the visit.

Visits to other departmental facilities shall be authorized if, in the opinion of the chairperson and the warden, such visiting will enhance the work of the committee.

Visits to other departmental facilities shall be only by advance arrangement between the affected wardens.

The size of the visiting committee shall be determined by the committee itself and the warden.

The head of the visited institution shall meet with the visiting committee delegation.

**Travel
Expenses**

Travel expenses of the committee members shall be paid as authorized under Board of Control rule 706(c) and California Code of Regulations, Title 2, Section 599.624. Expenses shall be borne by the parent institutions.

**31040.12
REVISIONS**

The Assistant Director, Community Resources Development, or designee, shall ensure that the content of this section is accurate and current.

**31040.13
REFERENCES**

California Code of Regulations, Title 15, Sections 3260 through 3265, 3285, 3415; and Title 2, Sections 599 through 624.

California Penal Code 5056.

American Correctional Association Standards Sections 2-4006, 2-4018, 2-4024, 2-4071, 2-4095, 2-4347, 2-4456, 2-4465, 2-4487 through 2-4495, 2-2054, 2-2180 through 2-2187.

State of California
DEPARTMENT OF CORRECTIONS
P.O. Box 942883
Sacramento, CA 94283-0001

DIGEST OF LAWS RELATED TO ASSOCIATION WITH PRISON INMATES

For information and guidance of persons visiting or working with or around prison inmates of the Department of Corrections, following is a digest of laws and rules related to association with inmates.

1. A warning sign is posted at the entrance to all public and business roadways onto the grounds of institutions, camps and other department facilities where inmates or parolees are housed indicating that by entering these grounds you consent to the search of your person, property and vehicle.

Reference: Sections 3173(e), 3288 Title 15, Div. 3, Cal. Code of Regulations;
Mathis v. Appellate Dept. 28 Cal App 3d 1039.

2. Entry on institution property for unauthorized purposes will be considered trespass as provided in section 602(j) of the Penal Code. Refusal or failure to leave the property when requested to do so by an official will be considered trespass as provided in section 602(p) of the Penal Code.

Reference: Section 3289, Title 15, Div. 3, Cal. Code of Regulations.

3. It is a felony for anyone to assist inmates to escape. Bringing firearms, deadly weapons, explosives, or tear gas on prison grounds, or, giving inmates firearms, weapons, explosives, liquor, cocaine or other narcotics or any kind of drugs, including marijuana, is a crime.

Reference: Sections 2772, 2790, 4533, 4534, 4535, 4550, 4573, 4573.5, 4573.6, 4574, 4600, Penal Code.

4. Giving letters to inmates or taking letters out for inmates is a misdemeanor.

Reference: Section 4570, Penal Code;
Section 3401, Title 15, Div. 3, Cal. Code of Regulations.

5. Giving gifts or presents to inmates is not permitted.

Reference: Section 2541, Penal Code.
Section 3399, Title 15, Div. 3, Cal. Code of Regulations.

6. Receiving gifts from inmates is not permitted.

Reference: Section 2540, 2541, Penal Code;
Secs. 3399, 3424, Title 15, Div. 3, Cal. Code of Regulations.

7. Anyone who falsely identifies himself or herself to gain admission to a prison is guilty of a misdemeanor. Persons previously convicted of a felony in this state who come upon the grounds of a prison without permission of the official in charge are guilty of a felony.

Reference: Section 4570.5, 4571, Penal Code;
Section 3173(n), Title 15, Div. 3, Cal Code of Regulations.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

VOLUNTEER SERVICE AGREEMENT

Volunteer

Supervisor

Name _____

Name _____

Address _____

Address _____

Phone () _____

Phone () _____

SSA No. _____

Division/Unit _____

The following are the conditions accepted under this service agreement according to current policies, rules and regulations of the department:

- 1) Comply with policies, procedures, rules, and regulations of the Department of Corrections.
- 2) No salaries, wages or unemployment benefits will be received for the services rendered.
- 3) Use of state vehicle, when directed, with valid California Driver's License appropriate to the type of vehicle(s) operated. Participate in the State Defensive Training Program.
- 4) Use of state equipment and supplies, when required or directed to do so.
- 5) Employment as a volunteer is not effective until a Health Questionnaire and Volunteer Service Agreement is signed.

I understand my duties are as follows: _____

Period of agreement from: _____ 19 _____ to: _____ 19 _____

SIGNATURE OF VOLUNTEER _____ DATE _____ SIGNATURE OF SUPERVISOR _____ DATE _____

Reviewed and approved by appropriate authority:

Institution — _____
COMMUNITY RESOURCE MANAGER DATE

Central Office — _____
COORDINATOR, FINANCIAL RESOURCES DATE

*Paroles — _____
REGIONAL ADMINISTRATOR DATE

*A copy of this document should be forwarded to Central Office, Community Resource Division.

VOLUNTEER PARTICIPATION FORM

NAME: _____

ADDRESS: _____

TELEPHONE: _____

VOLUNTEER

NAME: _____

ADDRESS: _____

TELEPHONE: _____

Volunteer Job Title:

Description of skills, knowledge and abilities to perform duties and responsibilities of the job, include equipment and tools used.

Number and type of workers supervised: _____

Dates of service in this volunteer job: From: _____ To: _____

Length of service in this volunteer job: _____ years
_____ months
_____ weeks

Actual hours served in this job: _____ per day _____ per week
_____ per month _____ TOTAL

Signature of Volunteer Worker: _____

Signature of Volunteer Services Supervisor: _____

Name: _____

Address: _____

Telephone: _____

(Note to Volunteer Worker: This certification is your record of volunteer experience. It should be retained; as you might wish verification for a future job reference.)

OATH OF ALLEGIANCE AND DECLARATION OF PERMISSION TO WORK FOR PERSONS EMPLOYED BY THE STATE OF CALIFORNIA

STD. 689 (REV. 12/84)

(COMPLETE PARTS 1 AND 3 OR PARTS 2 AND 3)

PART 1—OATH OF ALLEGIANCE

WHO MUST SIGN OATH—As required in Section 3 of Article XX of the Constitution of California, every State employee except legally employed noncitizens, must sign an oath or affirmation before he or she enters upon the duties of his or her State employment. Noncitizens are required to possess a Declaration of Permission to Work. If an alien employee becomes a naturalized citizen, an oath must then be obtained and filed.

WHEN OATH MUST BE SIGNED—As required in Government Code Section 3102, all public employees and all volunteers in any disaster council or emergency organization accredited by the California Emergency Council must sign an oath or affirmation before entering upon the duties of their employment. For intermittent, temporary or emergency employments, an oath or affirmation may, at the discretion of the employing agency, be effective for all successive periods of employment which commence within one calendar year from the date of the oath.

WHERE OATHS ARE FILED—As required in Government Code Section 3105, all oaths for public employees and all volunteers in any disaster council or emergency organization accredited by the California Emergency Council, shall be filed in the official employee file within 30 days of the date the oath is executed. The oath is considered a public record.

FAILURE TO SIGN OATH—As stated in Government Code Section 3107, no compensation or reimbursement for expenses incurred shall be paid to any public employee or any volunteer in any disaster council or emergency organization accredited by the California Emergency Council unless such public employee has taken and subscribed to the oath or affirmation.

PENALTIES (Government Code)

"3108. Every person who, while taking and subscribing to the oath or affirmation required by this chapter, states as true any material matter which he knows to be false, is guilty of perjury, and is punishable by imprisonment in the state prison not less than one nor more than 14 years."

"3109. Every person having taken and subscribed to the oath or affirmation required by this chapter, who, while in the employ of, or service with, the state or any county, city, city and county, state agency, public district, or disaster council or emergency organization advocates or becomes a member of any party or organization, political or otherwise, that advocates the overthrow of the government of the United States by force or violence or other unlawful means, is guilty of a felony, and is punishable by imprisonment in the state prison."

(TYPE OR PRINT NAME OF EMPLOYEE)

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

PART 2—DECLARATION OF PERMISSION TO WORK

I am a lawful permanent resident alien of the United States. YES NO

If NO, please read the following:

I hereby certify, that I have permission to work in this country and have declared any restrictions placed upon me in this regard by the United States government to the appointing power.

PART 3—SIGNATURE AND CERTIFICATION (NO FEE MAY BE CHARGED FOR ADMINISTERING)

SIGNATURE OF EMPLOYEE



STATE DEPARTMENT OR AGENCY

SUBDIVISION/UNIT

Taken and subscribed before me this

_____ Day of _____

SIGNATURE OF AUTHORIZED OFFICIAL



TITLE

SEAL

Oath may be administered by a person having general authority by law to administer oaths—or may be administered by the appointing power, or by a person for whom written authorization to witness oaths has been executed by the appointing power. The appointing power maintains a file of such authorizations.

STATE OF CALIFORNIA
HEALTH QUESTIONNAIRE
STD. 610 (11/82)

APPLICANTS ARE REQUIRED TO FILL IN
QUESTIONS ON BOTH SIDES OF FORM
ONLY AFTER A JOB OFFER
HAS BEEN MADE

SOCIAL SECURITY NO. (optional)

THIS AREA TO BE COMPLETED BY HIRING AGENCY - COMPLETED QUESTIONNAIRE WILL BE RETURNED TO HIRING AGENCY

NAME (LAST)	(FIRST)	(MIDDLE)	AGENCY NAME
ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
CLASS TITLE			AGENCY ADDRESS
TYPE OF APPOINTMENT <input type="checkbox"/> PERMANENT <input type="checkbox"/> REINSTATEMENT <input type="checkbox"/> TAU Dates of Previous State Employment <input type="checkbox"/> LIMITED TERM		CURRENT OCCUPATION	TELEPHONE NO.
		DESIRED APPOINTMENT DATE	

THIS AREA TO BE COMPLETED BY THE APPLICANT

DO NOT LEAVE YOUR PRESENT EMPLOYMENT TO ACCEPT A POSITION IN STATE SERVICE UNTIL YOU HAVE BEEN SPECIFICALLY NOTIFIED TO REPORT FOR WORK. MEDICAL CLEARANCE IS REQUIRED PRIOR TO EMPLOYMENT IN STATE SERVICE.

Have you ever had or do you have the following

Your answers to the following questions will be evaluated in conjunction with the essential functions of the desired position. In addition, a physical examination may be required. "YES" answers to questions 1 - 43 below must be explained in the space provided on the back of this form.

BIRTH DATE	<input type="checkbox"/> MALE	<input type="checkbox"/> FEMALE	HEIGHT	WEIGHT	
ITEM	YES	NO	ITEM	YES	NO
1. Do you wear or have you ever worn glasses?			26. Allergies		
2. Do you or have you ever worn contact lens?			27. Sensitivity to dust or smoke		
3. Have you had any eye injury, surgery, or disease?			28. High or low blood pressure		
4. Are you blind in one eye?			29. Varicose veins		
5. Are you blind in both eyes?			30. Stomach or duodenal ulcer or other bowel problem		
6. Lung or respiratory trouble, including bronchitis, tuberculosis, or asthma			31. Rupture or hernia		
7. Residuals of poliomyelitis			32. Gall bladder trouble		
8. Hepatitis, jaundice, or other liver ailments			33. Kidney or bladder trouble		
9. Cancer, malignant tumor or cysts			34. Shortness of breath		
10. Diabetes or sugar in urine			35. Do you wear a hearing aid or have you had at any time a problem with your hearing?		
11. Pernicious anemia, leukemia or other blood disorder or ailment			36. Any speech impairment		
12. Mental illness or nervous breakdown			37. History of or addiction to drugs or alcohol		
13. Any disorder of the nervous system			38. Any existing temporary medical condition such as broken bones, recovery from surgery, pregnancy, etc.? If yes, list condition and anticipated date of recovery.		
14. Seizure disorder or loss of consciousness			39. Are you at present under a doctor's care for any condition? Give reason and doctor's full name and address		
15. Severe headaches or migraines			40. Are you taking any medication now or in the last 12 months? If yes, what		
16. Heart trouble - including circulatory disease			41. Have you ever been hospitalized? If yes, list reason and date of hospitalization		
17. Pneumatic fever			42. a. Have you had an illness or injury which caused you to lose time from work?		
18. Any defect of bones or joints, including amputations, dislocations, broken bones			b. Does this illness or injury continue to limit your ability to perform certain types of work?		
19. Rheumatism, arthritis, or bursitis			43. Have you ever had any other illness, injury or physical condition not named above which required treatment as an outpatient or where surgery was recommended (exclude common minor illnesses, e.g. colds, flu, etc.)?		
20. Back pain or back injury					
21. Head injury					
22. Any problems with hips, knees, ankles or feet					
23. Any problems with hands, elbows, or shoulders					
24. Fainting spells or dizziness					
25. Skin trouble					

PRIVACY NOTICE - Official Responsible: Medical Officer, State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814; Authority: Government Code Section 18931; Purpose: The information you furnish will be used to evaluate your medical fitness to carry out the duties of the position applied for without endangering the health and safety of yourself or others; Providing Information: Medical clearance is required prior to employment in State service; Effects of Not Providing Information: Omission or misrepresentation may result in placement in a position where the duties or work environment could be hazardous; Access: Your medical records will be maintained in a confidential manner and may be reviewed by contacting the employing agency's personnel office.

STATE OF CALIFORNIA
EMPLOYEE EMERGENCY NOTIFICATION
CDC 894 10/84

DEPARTMENT OF CORRECTIONS

EMPLOYEE'S NAME:	DATE:
UNIT:	

PLEASE INDICATE PERSON(S) TO BE NOTIFIED IN CASE OF EMERGENCY.

NAME:	RELATIONSHIP:
HOME PHONE NUMBER:	WORK PHONE NUMBER:
NAME:	RELATIONSHIP:
HOME PHONE NUMBER:	WORK PHONE NUMBER:

EMPLOYEE'S HOME ADDRESS: (STREET NUMBER AND NAME, CITY AND ZIP CODE)

EMPLOYEE'S HOME TELEPHONE NUMBER:	
PERSONAL PHYSICIAN'S NAME:	TELEPHONE NUMBER:
MEDICAL PLAN NAME AND CARD NUMBER (IF APPLICABLE)	MEDICAL FACILITY'S EMERGENCY PHONE NUMBER:

SPECIAL MEDICAL CONDITIONS/ALLERGIES, ETC.:

SPECIAL INSTRUCTIONS (IF APPLICABLE):

THIS INFORMATION WILL BE KEPT CONFIDENTIAL IN YOUR SUPERVISOR'S EMPLOYEE RECORDS AND WILL BE USED FOR EMERGENCIES ONLY. PLEASE BE SURE TO UPDATE THIS INFORMATION SHOULD IT CHANGE.

STATE OF CALIFORNIA

AUTHORIZATION TO USE PRIVATELY OWNED VEHICLES ON STATE BUSINESS

STD. 261 (REV. 5/85)

85 24274

Supervisor: Retain Original Copy

AUTHORIZATION EFFECTIVE FROM
(MAXIMUM ONE YEAR)

TO

I. CERTIFICATION

In accordance with State Policy (S.A.M. 0754) approval is requested to use privately owned vehicles to conduct official State business.

I hereby certify that, whenever I drive a privately owned vehicle on State business I will have a valid driver's license in my possession, all persons in the vehicle will wear safety belts and the vehicle shall always be:

1. Covered by liability insurance for the minimum amount prescribed by State Law. (\$15,000 for personal injury to, or death of one person; \$30,000 for injury to, or death of, two or more persons in one accident; \$5,000 property damage.) Vehicle Code Section 16028 (effective July 1, 1985) requires all motorists to carry evidence of current automobile liability insurance in their vehicle.
2. Adequate for the work to be performed.
3. Equipped with safety belts in operating condition.
4. To the best of my knowledge, in safe mechanical condition as required by law.

I further certify that while using a privately owned vehicle on official State business, all accidents will be reported on form Std. 270 within 48 hours (S.A.M. 2541).

I understand that permission to drive a privately owned vehicle on State business is a privilege which may be suspended or revoked at any time.

DRIVER'S LICENSE NUMBER	STATE	EXPIRATION DATE
EMPLOYEE'S SIGNATURE	PRINT NAME	DATE

II. APPROVAL

Use of a privately owned vehicle on State business is approved.

SIGNATURE	TITLE	DATE
-----------	-------	------

L-40

Exhibit G

VOLUNTEER SERVICE AGREEMENT

Volunteer	Supervisor
Name _____	Name _____
Address _____	Address _____
_____	_____
Phone () _____	Phone () _____
SSA No. _____	Division/Unit _____

The following are the conditions accepted under this service agreement according to current policies, rules and regulations of the department:

- 1) No salaries, wages, or unemployment benefits are involved in the provision of the services.
- 2) Worker's Compensation will be covered by the state.
- 3) Use of State vehicle, when directed, with valid California Driver's License appropriate to the type of vehicle(s) operated. Participation in the State Defensive Training Program will be required.
- 4) Use of State equipment and supplies, when required and directed to do so.
- 5) Reimbursement will be authorized if funds are available for:
 - a) Travel and per diem (per Board of Control Rule).
 - b) Use of private vehicle, provided it is specifically directed and authorized with proof of insurance.
 - c) Out-of-pocket expenses, which are directed to be purchased.

Approval for Reimbursements will be the responsibility of the following authorities:
 Institutions — Community Resources Manager and Superintendent, or designee.
 Paroles — Deputy Director Paroles or designee.
 Central Office — Assistant Director, Community Resources Development or designee.

- 6) Employment as a volunteer is not effective until a health questionnaire, oath of allegiance and service agreement is signed.

I understand my duties are: _____

Period of agreement from: _____ 19____ to: _____ 19____

_____ SIGNATURE OF VOLUNTEER	_____ DATE	_____ SIGNATURE OF SUPERVISOR	_____ DATE
---------------------------------	---------------	----------------------------------	---------------

Reviewed and approved by appropriate authority:

Institution — _____	_____	_____
	COMMUNITY RESOURCE MANAGER	DATE
Central Office — _____	_____	_____
	COORDINATOR, FINANCIAL RESOURCES	DATE
*Paroles — _____	_____	_____
	REGIONAL ADMINISTRATOR	DATE

*A copy of this document should be forwarded to Central Office, Community Resource Division.

**VOLUNTEER PROGRAM
NORTHERN RECEPTION CENTER- CLINIC**

Volunteers normally work at least four hours per week. Duties may vary, but consist basically of observing security procedures; developing program activities for a group of clients; tutoring if qualified, assuming some routine duties of unit management and/or some paperwork. The object of the volunteer's duties is for him/her to relate in a healthy way to the clients, to provide community contacts for the youths and to assist staff in carrying out assigned duties. Volunteers are not to initiate discipline to wards, but will support the staff by adhering to limits set by staff.

VOLUNTEER MINIMUM QUALIFICATIONS:

AGE: 18 years of age minimum -- no maximum

SKILLS: Potential ability to relate well to youth between the ages of 12 and 25, of all ethnic, social-economic and cultural backgrounds.

PERSONAL QUALITIES: Flexibility and desire to cooperate; dependability in keeping commitment; willingness to accept supervision.

EDUCATIONAL BACKGROUND: None specified, except for Intern positions for undergraduate and graduate students.

COLLEGE STUDENT VOLUNTEERS: (student Interns)

Student volunteers are assigned and treated as any other volunteer. The students' interest, skills and class requirements are integrated with the needs of clients, staff and the overall program. Upon request, the student volunteer's staff supervisor will submit a standard evaluation form (to be supplied by the student's college) to the student's instructor.

PROGRAM AIDE:

Types of activities: Listening/talking to wards; participation in recreational activities, assisting staff in supervision and development of group activities and assisting with office routine on the dormitory.

EDUCATIONAL AIDE-TUTOR

Assist wards with classroom activities, help create harmonious relationship with residents, supervise indoor game activities, assist instructor in correcting assignments. Under the supervision and direction of Y.A. teacher, assist individual students with their regular academic class assignments.

**PSYCHOLOGICAL INTERN (RECEPTION & RESIDENTIAL TREATMENT PROGRAMS)
(MUST BE INVOLVED IN PH.D PROGRAM)**

Act as staff psychologist in distributing and organizing psychological testing material, give pre and post multi-choice exams, and assist in monitoring various programs on treatment dorms.

**SOCIAL WORKER INTERN (RECEPTION & RESIDENTIAL TREATMENT PROGRAMS)
(MUST BE ENROLLED IN MSW PROGRAM - CASEWORK SPECIALIST)**

Assist in preparing diagnostic reports; participate in staffings/case conferences; attend/co-facilitate small group counseling.

**RELIGIOUS VOLUNTEERS (RECEPTION & RESIDENTIAL TREATMENT PROGRAMS)
RELIGIOUS SERVICES AT NRCC BY AN EXTENSIVE VOLUNTEER MINISTRY, CARRIED OUT
IN THREE PASTORAL AREAS.**

1. Individual volunteer counseling
2. Individual & group religious education
3. Individual & group inspirational or worship events.

THE NRCC CHAPLAINS ARE RESPONSIBLE FOR THE RELIGIOUS VOLUNTEER PROGRAM, INCLUDING THE SELECTING, TRAINING AND SUPERVISION OF RELIGIOUS VOLUNTEERS.

2 (RESIDENTIAL & TREATMENT PROGRAM)

M-2 stands for "MATCH-TWO". It is a partnership between one community volunteer and one volunteer and institutional resident. The volunteer (sponsor) pledges to make regular visits to form a friendly relationship conducive to mutual growth and change. Those interested in the M-2 Program should contact the area office at (916) 985-7952.

SURROGATE PARENT PROGRAM

Act as an educational advocate for special education students at NRCC. Participate in individualized educational planning for identified wards. Ensure that the rights of special education students are safeguarded. Requires completion of training program for Surrogate Parents.

VOLUNTEER ORIENTATION: All new volunteers are required to attend a Volunteer Orientation which is usually held the 2nd or 3rd Wednesday of each month. After a short interview a photo identification card will be made for you when you sign in and out during each visit. If you have any questions please call our office at (916) 739-2019 Monday Through Friday 8:00 a.m. - 5:00 p.m.

A BASIC GUIDE OF DO'S AND DON'TS

This list of Do's and Dont's is not all inclusive. Good judgment is an absolute requisite to successful functioning as a volunteer.

DO NOT GIVE YOUR TELEPHONE NUMBER OR ADDRESS TO RESIDENTS.

DO NOT GIVE ANYTHING TO RESIDENTS OR MAKE OUTSIDE PURCHASES.

DO NOT MAKE TELEPHONE CALLS FOR RESIDENTS EITHER INSIDE OR OUT OF THE INSTITUTION.

DO NOT BREAK UP FIGHTS BETWEEN RESIDENTS.

DO NOT TAKE ANYTHING OF VALUE FROM RESIDENTS (GREAT CARE IN USE OF JUDGMENT IS NECESSARY IN THIS AREA)

DO NOT TAKE RESIDENTS FROM ONE AREA TO ANOTHER WITHOUT THE APPROVAL OF STAFF.

DO NOT HAVE RESIDENTS IN YOUR CUSTODY UNSUPERVISED.

DO NOT COMMUNICATE WITH RESIDENTS' PARENTS, FAMILY, SPOUSE OR FRIENDS OUTSIDE THE INSTITUTION.

DO NOT CARRY MESSAGES FROM ONE RESIDENT TO ANOTHER.

DO NOT INTERFERE WITH STAFF WHILE THEY ARE HANDLING A DISTURBED RESIDENT.

DO NOT REVIEW RESIDENT'S CASE FILES UNLESS GIVEN PERMISSION BY THE CASEWORKER.

DO NOT COMMUNICATE ANYTHING IN A RESIDENT'S FILE TO HIM, ANY OTHER RESIDENT OR NON-STAFF MEMBER INSIDE OR OUTSIDE THE INSTITUTION.

DO NOT GO INTO ANY RESIDENT'S ROOM WITHOUT STAFF KNOWLEDGE AND APPROVAL.

DO NOT BRING ANY PERSON OR PERSONS TO NRCC WITHOUT PRIOR APPROVAL OF STAFF.

DO NOT DO ANYTHING WHICH WOULD ENCOURAGE A RESIDENT TO BREAK INSTITUTIONAL RULES.

DO NOT VISIT ANY AREA OTHER THAN YOUR ASSIGNED WORK LOCATION (WITHOUT ADVANCE KNOWLEDGE AND PERMISSION OF STAFF.)

DO NOT QUESTION STAFF DECISIONS OR ACTIONS IN THE PRESENCE OF RESIDENTS.

DO NOT OVERIDENTIFY OR BECOME ROMANTICALLY INVOLVED WITH RESIDENTS.

DO NOT SIT IN THE OFFICE AND GET THE WAY OF STAFF.

DO CHECK IN AT EITHER RECEPTION OR CONTROL UPON ARRIVAL.

DO ASK THE ADVICE OF STAFF WHEN FACED WITH ANY SITUATION YOU ARE UNSURE OF.

DO WEAR CLOTHING WHICH IS APPROPRIATE TO THIS SETTING AND THE ACTIVITIES YOU ARE INVOLVED IN.

VOLUNTEER STAFF APPLICATION FORM

YA 10.801 (2/77)

FACILITY ASSIGNED TO

PLEASE TYPE OR PRINT

PERSONAL

C.I.I.

AUTO

WORK

EDUCATION

LANGUAGES

NAME (First, Middle, Last)

ADDRESS (Number - Street - City - Zip Code)

HOME TELEPHONE

BUSINESS TELEPHONE

WHOM TO CALL IN EMERGENCY

RELATIONSHIP

HOME TELEPHONE

BUSINESS TELEPHONE

PHYSICAL LIMITATION (Quality Conditions)

MAIDEN NAME OR ALIAS

RACE

SEX

BIRTHPLACE

BIRTHDATE

MARKS OR SCARS

HEIGHT

WEIGHT

COLOR OF HAIR

COLOR OF EYES

HAVE YOU EVER SERVED A JAIL OR PRISON SENTENCE, PROBATION OR PAID A FINE OF \$50.00 OR MORE? IF RECORDS ARE SEALED, YOU MAY RESPOND NO.

NO

YES

IF YES, GIVE CIRCUMSTANCES

DO YOU HAVE AN AVAILABLE AUTO?

AUTO LICENSE

DRIVER'S LICENSE NUMBER

AUTO DESCRIPTION

AUTO INSURANCE COMPANY

POLICY NUMBER

EXPIRATION DATE OF INSURANCE

BODILY INJURY LIMITS

PROPERTY DAMAGE LIMITS

PERSONAL LIABILITY LIMITS

WORK RECORD (Indicate whether Volunteer or Paid)

EMPLOYER

FROM (Date)

TO (Date)

JOB TITLE AND DUTIES

EDUCATION (Training - Skills, certificates, license)

Currently enrolled in school

NO YES

NAME OF SCHOOL

CREDIT FOR VOLUNTEER WORK

NO YES - NUMBER OF UNITS

LANGUAGES (If fluent)

INDICATE INTERESTS - HOBBIES - ORGANIZATIONS OF WHICH YOU ARE A MEMBER

(continued on reverse)

VOLUNTEER APPLICANT LETTER OF REFERENCE

To Whom It May Concern:

_____ has made application to
(Print or Type)

become a volunteer worker at the Northern Reception Center-Clinic of the Department of the Youth Authority. To help us determine the suitability of the above-named applicant to serve as a volunteer, please provide the following information. All information submitted will be confidential.

Your Name _____ Res. Phone _____

Address _____
(Street) (City) (Zip)

Occupation _____

Relationship to Applicant _____ How Long Known _____

Below please give a brief description of why the applicant should or should not become a volunteer working with male and female delinquent youth (ages 12 years through 24 years) in a closed custodial institution:

(If more space is needed, use other side)

Date _____

Signature _____

SECTION M
VICTIMS NEED TO KNOW

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VICTIMS NEED TO KNOW

Introduction

Corrections and parole systems are complex and impact the lives of tens of thousands of offenders and staff members. The decisions that wardens, classification teams, social workers and parole boards make on a daily basis often have a substantial influence on the emotional well-being of the survivors of crime, who are learning to live with the long-term impact of victimization.

It is important for victim service providers to be knowledgeable about their state prison and parole systems. Misinformation about the corrections process -- particularly about sentencing practices -- frequently results in anger, frustration and additional trauma to the victim. For correctional staff who attempt to address the questions and complaints of victims, there is frustration in being held responsible for events outside of their control or limits of policy or financial considerations.

In order to answer crime victims' most frequently asked questions, both corrections and victim service providers should be knowledgeable of the following topics:

Victim/Witness Notification

- adult and juvenile corrections systems and parole agency victim/witness notification programs;
- method of identification of victims/witnesses for notification;
- victim/witness notification process;
- types of offender status changes or releases eligible for victim/witness notification;
- timelines for victim/witness notifications (i.e., prior to an inmate's furlough, parole hearing or release; upon change in status or location of incarceration; escape; recapture; or death);
- staff responsible for the administration of victim/witness notification programs (i.e., name, title, mailing address, telephone number, fax number);
- victims/witnesses eligible for notification (i.e., all victims or only some victims; all witnesses or only some witnesses);

- confidentiality safeguards for victims/witnesses who participate in the notification program;
- information provided to offenders (i.e., victim/witness notification requests, content of any victim impact statement -- oral, written, video or audio -- before the paroling authority);
- who has the responsibility for initiation of victim/witness notification requests (the agency or victim/witness); and
- victims/witnesses notified of correctional/parole hearings (all victims/witnesses or only those who have requested notification).

Reception And Evaluation

- classification system used to decide where to put an inmate when he/she enters the prison system. (This is the process by which an inmate is placed in a particular custody level in a specific institution. Some prison systems separate offenders by "personality", particularly their levels of aggression, to reduce offender-offender assaults.);
- victim/witness input into decisions regarding where an offender is housed;
- tests administered to inmates when they enter the prison;
- length of the reception and evaluation process;
- treatment programs available for sex offenders and habitual drug or alcohol abusers. (Sometimes a judge will sentence an inmate to serve a particular length of time and receive psychological treatment of a certain kind; however, the treatment is not always available, i.e., many corrections agencies do not have pedophile treatment programs); and
- ratio of program beds to inmate population - likelihood of acceptance into a special treatment program (often times only the most severely disturbed will receive specialized treatment due to limited space);

Community Programs

- offenders eligible to be placed in the community on work or education programs;
- offenders eligible for holiday furloughs;
- offenders eligible for funeral furloughs or medical treatment and level of supervision required; and
- criteria used to determine eligibility for community programs.

Transfer

- factors used to determine to transfer an inmate from one institution to another;
- earned eligibility for transfer from a higher to a lower level institution security (i.e., from locked cells to open camp setting) or to a program for work or education;
- differences among minimum security institutions and camps, medium security institutions, and maximum security institutions; and
- locations of institutions.

Sentence Reduction, Parole And Early Release Eligibility

- type of sentences provided for by penal code - determinate or indeterminate;
- methods used to calculate sentence reductions;
- inmates eligible for good-behavior and/or work credits;
- effect of disciplinary infractions on sentence increases or reductions;
- method of determining parole eligibility; and
- inmates affected by sentence "rollbacks" and/or early release and any specific exclusions.

Complaints

- contact persons in corrections and parole agencies for victims/witnesses if they have a complaint;
- manner of handling victim/witness complaints of personal, written or telephoned threats or harassment by an inmate or parolee. (Many corrections agencies allow inmates access to telephones, occasionally resulting in unwanted inmate contact with victims. However, an inmate can be given a direct order to stop calling/writing to a particular person and disciplinary action can be taken against the inmate if he/she does not comply); and
- manner of handling victim/witness complaints or concerns about an inmate's institutional and/or community program placement.

Information And Referral

- where victim service providers and victims/witnesses may obtain information about the corrections and parole systems, and any victim/witness services or programs available;
- availability of a comprehensive community resource manual that geographically and topically describes victim services available in your state;
- referrals made by corrections and parole agencies to victims/witnesses of appropriate services and victim/offender programs;
- representatives from the corrections and parole agencies that make themselves available upon request to speak to crime victims, victim service providers or criminal justice professionals in the community;
- representatives from the state's corrections and parole agencies that are available to provide training and technical assistance to victim service providers about victim services and correctional issues in their agencies;
- representatives from these agencies that participate in any local, state or regional coalitions or networks of crime victims and/or service providers in your state; and
- if crime victims and victim service providers are invited and supported by the agencies to serve on task groups, committees, boards, etc., and the method in which these individuals are selected to serve.

Restitution

- if offenders under the authority of the corrections and parole agencies are ever required to make certain kinds of payments to offset damages to victims or to offset other costs that their crimes produced, such as direct restitution payments to victims or payments to your state's victim compensation fund (in 48 applicable states);
- staff responsible for recommending, ordering and monitoring restitution;
- corrections or parole agencies that have an operational system in place to facilitate compliance with restitution orders and disbursement and if the collection systems are automated;
- priority order that restitution is paid to victims if an offender has court ordered obligations (such as fines and court costs); as well as restitution and percentages paid to each or if one obligation must be satisfied before the next is paid;
- if corrections and parole agencies, by law or by agency, have authority to automatically deduct a percentage of an offender's earnings to meet restitution obligations. The percentage of an offenders' earnings automatically deducted and circumstances under which the deduction is waived;
- actions the corrections or parole agencies can take to make offenders pay if they do not comply with their restitution requirements. If restitution orders are routinely enforced, or only if the victim complains; and
- mandatory procedures taken by the parole agency to make restitution orders a condition of parole when restitution obligations have not been satisfied during an offender's incarceration.

Victim/Offender Programs

- programs sponsored by the corrections and parole agencies such as mediation, conciliation (also called "reconciliation"), victim impact panels, "Impact of Crime on Victims" classes, confrontation, etc. Some states have programs which bring crime victims and offenders together for a variety of purposes, including rehabilitation, education and restitution; and
- corrections and parole agencies sponsored community service work programs for offenders; and if it is a condition of sentencing and/or release.

The Parole Process

- those allowed to attend parole hearings in your state (i.e., crime victims, witnesses, criminal justice officials, victim support persons or victim advocates, news media, etc.);
- those allowed to testify at parole hearings in your state (i.e. crime victims, witnesses, criminal justice officials, etc.);
- availability of a person designated by your state's corrections or parole agency to accompany victims, witnesses and their families at any hearings related to an offender's release. The name, title, address, and telephone number of designated person;
- type of testimony from victims or their representatives allowed at the parole hearings (i.e., oral testimony, written testimony, testimony on audio cassettes or video cassettes);
- type of information provided to victims prior to parole hearings, such as:
 - who can attend
 - maximum number of attendees per offense
 - time, date and location of hearing
 - directions to specific hearing room
 - where to park
 - agenda which specifies the order of testimony
 - recommendations about how to effectively testify
 - what to wear
 - what they may and may not bring into the hearing room
 - other information
- if offenders or their attorneys are ever given access to the victim's impact statement or testimony before, during or after the parole hearing. Any special circumstances when that information is withheld;
- if offenders are allowed to respond to victim's testimony or impact statement at the time of the hearing, or at any other time;
- if the corrections and parole agencies provide waiting areas for victims who attend parole hearings that are separate by sight and sound from offenders, their families and legal representatives;

- if a victim's circumstances may be considered when decisions are made regarding the date, time and location of parole hearings. How that request is made, to whom, and within what time frame;
- if victims/witnesses are notified in the event that an offender's parole hearing is rescheduled. The timeline for such notifications;
- if, and how, your state's parole agency notifies victims about board decisions; and
- if there is routine notification of victims/witnesses if their offender violates parole or if he/she escapes from the institution, dies or moves out of state.