VICTIM-CENTERED POST-CONVICTION SERVICES

PRESENTED BY:

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VICTIM-CENTERED PRACTICES

OBJECTIVES

Upon completion of this module participant will be able to:

- Explain the guiding principles of restorative/community justice.
- Identify the difference between traditional and restorative/community approaches to justice.
- Understand the victim's role in restorative/community justice approaches aimed at achieving justice.
VICTIM-CENTERED PRACTICES

Denise Giles
Peter Michaud

HOW DOES ONE DEFINE...
VICTIM-CENTERED?

To ‘center’ is “to pass from either side toward the middle.”
The ‘center’ is a source from which something originates;
“To have a center” is to have a FOCUS.
HOW DOES ONE DEFINE... VICTIM-CENTERED?

A ‘victim-centered’ justice process acknowledges and acts to address the focal point of crime – that is, the harm caused to crime victims, survivors and communities.

~ VICTIMS’ RIGHTS ~
~ VICTIMS’ NEEDS ~

Fairness & respect
Participation & Input
Information
Reasonable Protection
Restitution; Compensation
Confidentiality

Restorative & Community Justice ...

Is Not “a Single Program”
~~~

IS a Philosophy of JUSTICE
Restorative & Community Justice

- Crime is an offense against human relationships;
- Victims and communities are central to achieving justice;

Restorative & Community Justice

- Acknowledge the harm caused by crime;
- Listen to victims & survivors;

Restorative & Community Justice

- Address relationship between victims, offenders & communities;
- Provide opportunities for victim empowerment & offender change;
**VICTIM ADVOCACY**

- Crisis Centers
- Law Enforcement
- Prosecution

**Corrections:** Probation, Jails, Prisons, Parole, & Juveniles, too!

- Victim Compensation
- ‘Mental Health’ Providers

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**VICTIM ADVOCACY in CORRECTIONS**

- Pre-sentence Impact Statement
- Notification: Offender Status
- Restitution
- Safety: Harassment & Intimidation
- Enforce ‘No Contact’

- Information: Corrections Process & Programs
- Advocacy in Reduced Custody
- Parole Board Hearings
- Victim-Offender Dialogue *(victim request)*

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**VICTIM ADVOCACY in CORRECTIONS**

Pre-sentence Investigation

Victim Input

Re: Impacts & Sentence
VICTIM ADVOCACY in CORRECTIONS

Restitution

What is Restitution?

- Money paid to the victim/survivor by the offender
- Addresses economic/financial losses resulting from crime
- Holds offender accountable for financial harm caused
- Examples include:
  - Medical expenses
  - Mental health services
  - Funeral expenses
  - Property losses/damages
  - Lost wages related to the crime

Who Can Receive Restitution?

- Victims of Crime
- Survivors of Homicide Victims
- As Ordered by Court or Parole Board
**How is Restitution Determined?**

- Assess Actual Losses Related to the Crime
- Written Documentation of Losses
- Determination Process Begins During Initial Investigation, & May Continue into Sentencing/Corrections

**How is Restitution Collected & Enforced?**

- By Order of Court or Parole Board
- In Community: Collected by DOC’s Probation-Parole Officers
- In Prison: Deducted from Inmate’s $ Account (NH @ $10 per month; Maine @ $25% of wages and any other income;)

**How is Restitution Collected & Enforced?**

- Restitution Has Priority Over Fines
- Paid to Victim by DOC Each Month
- Offender Failure to Pay is Violation of Order = Return to Court or Parole Board
- Forfeiting Bail $; Civil Remedies
- Extended DOC Jurisdiction for Collection Only
“Other Side of the Restitution Coin”

- Offender’s Ability to Pay – Identify a Payment Schedule
- Some Offender Considerations:
  - Current employment status
  - Projections on future employability
  - Assets
  - Potential contingency funds, such as state and federal income tax returns, winnings from lotteries, or inheritances.

“Other Side of the Restitution Coin”

- Some victims cannot be located after restitution is paid by offender;
- Reasonable efforts to locate the victim;

VICTIM ADVOCACY in CORRECTIONS

Notification About Offender Status
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<thead>
<tr>
<th>VICTIM ADVOCACY in CORRECTIONS</th>
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<tr>
<td>Safety from Offender Harassment, Threats</td>
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<td>Information about correctional facilities, processes &amp; programs</td>
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VICTIM ADVOCACY in CORRECTIONS

Parole Board Hearings

VICTIM ADVOCACY in CORRECTIONS

Community Participation
“A WORK IN PROGRESS”

DO LIPTON
EMPLOYEES
TAKE
COFFEE BREAKS?
VICTIM ADVOCACY in CORRECTIONS

Victim-Offender Dialogue

VICTIM-OFFENDER DIALOGUE
VICTIMS & SURVIVORS OF VIOLENT CRIME MEET THE OFFENDER

GOAL OF VICTIM-OFFENDER DIALOGUE
Support justice by empowering victims & survivors to meet with the offender and address the personal impacts of violent crime.
OBJECTIVES OF VICTIM-OFFENDER DIALOGUE

- Opportunity to meet in a safe environment
- Opportunity to discuss crime, impacts, etc.
- Opportunity for offender to express remorse, accept full responsibility for harm

A DIALOGUE

“A conversation between two or more persons”

“An exchange of ideas and opinions”

SOURCE: Webster’s New Collegiate Dictionary

A Conversation About ...

- The crime
- The personal harms/impacts
- Answers to questions
- The emotions
- Accepting responsibility for harm caused
WHO IS ASKING FOR DIALOGUE in NH (1998-2006)?

- 30% Homicide or Negligent Homicide
- 49% Sexual Assault
  - 38% child
  - 9% adult
- 21% Others:
  - Assault
  - Robbery
  - Criminal Threatening
  - Stalking

PRINCIPLES OF DIALOGUE

- Victim initiated
- Participant choices
- Safety & security
- Structured process, highly emotional circumstance
- Facilitator supported
- Preparation, preparation, preparation
- Active dialogue, not mediated settlement

VICTIM ADVOCACY in CORRECTIONS

Victim IMPACT
A Program for Offenders
Victim IMPACT

4 Objectives

Teach offenders the immediate & long-term impact of crime upon victims, families and communities.

Support meaningful involvement by crime victims choosing to participate in the corrections phase of the justice system.

IMPACT Objectives (cont.)

Improve offender competency in empathy for victims.

Complement other Corrections initiatives to prevent crime recidivism and further victimization.

IMPACTS OF ...

- COMMUNITY JUSTICE
- ASSAULT
- PROPERTY/ROBBERY
- DOMESTIC VIOL.
- SEXUAL ASSAULT
- DWI & DRUGS
- CHILD ABUSE
- HATE CRIMES
- HOMICIDE
- CRIME & ELDERLY
VICTIMS’ STORIES in IMPACT

- Empowering
- Help, not Harm, the Healing Process
- Real Life, Real People
- Crime is Personal
- Enforce Empathy
- Safety & Security First

Questions?
Comments?

“TO SUMMARIZE”

- Victim-Centered = The Focus of Crime
- Restorative/Community Justice = A Philosophy, Not A Single “Program”
“TO SUMMARIZE”

- Crime violates relationships
- Must involve victims & community to achieve justice
- Victim advocacy throughout the system – including Corrections

WHAT CAN I DO?

- Understand Guiding Principles of Victim-Centered Community Justice
- Respect for Victims & Survivors Long After Crisis, Conviction & Sentence
- Collaborate with Others

THANK YOU