Victims and Offenders

Offender Reentry Requires Attention to Victim Safety

by Melissa Hook and Anne Seymour

Criminal and juvenile justice professionals do not dispute the fact that crime victims’ needs and concerns should be considered when an offender is released from incarceration or detention. Furthermore, key public safety stakeholders, in collaboration with the US Department of Justice, are currently forming partnerships to develop radical changes in protocols to meet the challenges of monitoring and successfully reintegrating the half million offenders leaving custody each year.

However, the primary focus of "reentry initiatives is on offenders and their needs. Professionals who work with crime victims assert that "whatever it takes" to promote successful offender reentry must include provisions to ensure the safety and address the concerns of crime victims.

Offender release brings up critical issues regarding core victims' rights. Clearly, policies and practices that promote the diligent implementation of such rights—including notification, restitution, protection and participation—should be addressed through reentry initiatives. Victim-sensitive pre-release and post-release strategies that correlate with practices to improve the offender’s potential for successful return to the community should be an integral part of the reentry process.

Community Participation in Reentry Partnerships

One of the goals of these reentry alliances is the creation of model programs that generate collaborative efforts among local professionals and volunteers from the public and private sector that can enhance opportunities for successful offender reintegration. The health of neighborhoods and communities—including the well-being of victims—depends on the effective supervision and tangible support of the newly released offenders. An essential ingredient in any formula that tries to improve reentry options is a concerned, educated, and engaged community.

Study affirms need for community participation. In 2000, the Victims' Issues Committee of the American Probation and Parole Association (APPA) conducted a study to determine the extent to which victims' concerns are included in reentry initiatives. One of the goals of the project was to identify the ideal partners in a reentry initiative that could best address the safety and well-being of victims and the community.

The APPA study on the victim component of offender reentry found that the education and involvement of community members who are victim-centered and who can reflect victim concerns are much-needed components in reentry partnerships. In The Victim’s Role in Offender Reentry: A Community Response Manual, Seymour stresses that:

the successful reentry of offenders into the community is neither a linear process, nor one that can be accomplished by a single agency. It requires collaboration and commitment from literally anyone concerned about community safety.
Crime victim participation. An equally vital component in the formation of reentry protocols is input from crime victims. Their experience of crimes, its aftermath and its long-term effects informs many aspects of any reentry program. Seymour writes: The inclusion and consideration of crime victims’ rights and needs in offender management that has emerged over the past decade does provide a strong foundation for reentry partnerships. It offers an important framework for justice professionals to prevent crime and the revictimization of people who have already been hurt by crime. They can voluntarily contribute to policy development; serve as advisors to create new programs and approaches that hold offenders accountable and reduce recidivism; participate in victim/offender programming; and strengthen the core of community action that is necessary for success.

A Victim's Perspective

Few victims remain unaffected by the thought of their offender’s return to the community. A survivor of a horrendous kidnapping, sexual assault, and attempted murder describes her state of mind anticipating her rapist’s upcoming release. Looking back on her experience, she recalls that:

I have survived the experience of working with the criminal justice system to see my offender caught, tried, and sentenced. Today, I am faced with yet another challenge, one which, at the moment, seems the most difficult to face: the reality of my offender’s release. I actually began contemplating this event the moment the sentence was handed down. My thoughts went something like this: “I have this many years to live my life. Better make the best of it.” The thought that follows is: "Let's not think about this right now, as I have so many years to be free from the constant fear of being stalked and possibly killed by this person."

Concern begins a the time of sentencing. A survivor's concerns about offender reentry begin long before the offender is even considered for release, perhaps even at the moment of sentencing. However, the process of addressing this issue is often one that is avoided, perhaps because of the emotional scars it re-opens and the difficult work and planning it requires.

Offender awareness of victim concerns. The survivor quoted above, who now works as a victim advocate and a leader in restorative justice, believes that correctional agencies should address victim-related reentry issues with offenders through the use of victim impact panels and focus groups. They need to explore such questions as the following:

- Do offenders fantasize about or plan to seek revenge against those they have harmed?
- If so, in what way?
- What are their intentions toward their victims upon release?

System must address both offender and victim. Far too often these questions are displaced by the criminal justice system's concerns over the offenders' successful readjustment in the outside world after years of incarceration. Clearly those challenges may be daunting. Will the families accept them? Will they find a job and a place to live? Will they abuse alcohol or other drugs? Will they re-offend?

Peter Michaud, the Director of Victim Services at the New Hampshire Department of Corrections poses a different, more fundamental question:

Why do we have a justice system? Not because of crime. We have a justice system because someone has been hurt by a crime. We need to take into account the harm that has been done to a victim and help that hurt. To be truly effective in our criminal justice effort, we have to include the fact that a crime has harmed someone.

What Constitutes the Community?

While many people tend to think of "community" as a physical place and space, it is just as often created by relationships that people build, beginning with one-on-one and emerging into groups of varying sizes that share a common bond and...
mutual interests. The community as reentry partner exhibits a mindset that is responsive to the concerns of returning offenders and victims and is proactive in its efforts to promote local safety and well-being. Joseph Lehman, Commissioner of Correction in Washington State observes: "The community must own justice." When the community truly feels a stake in the processes and outcomes of justice, successful programs for offenders and victims are an attainable goal. It is only with this sense of ownership that reentry partnerships can succeed.

Seymour divides “community” relevant to reentry collaborations into key components:

- The victims and the offenders, both of whom may be isolated from traditional communities like families and friends. They often experience shame, blame, and guilt as well as a lack of acceptance and understanding.
- The justice system that is united by profession and a desire to do the work of public safety better.
- The local communities and neighborhoods into which offenders will be released, and possibly the home of the victim(s) (in interfamilial cases when family reunification is a goal).

Can the Community Have A Role in Determining and Meeting Victims' Needs?

Despite obvious concerns over privacy and confidentiality, most justice and victim assistance professionals whole-heartedly embrace the concept of an increased community role in victim assistance. But as Reggie Wilkinson, Director of the Ohio Department of Rehabilitation and Corrections points out: "Flexibility is necessary. It is important to find out who needs help and who wants help." Denise Giles, Director of Victim Services for the Maine Department of Corrections concurs: "Community support and involvement should be the victim's choice."

Expanding on the idea of community partnerships, Michaud expresses the need for "a process in place in the community that assures that victims and survivors are safe when their offenders reenter and includes an understanding of their safety needs from the victims' perspective."

How Can Communities Help Victims?

In The Victim's Role in Offender Reentry: A Community Response Manual, Seymour explores ways in which reentry support team members might initiate assistance to victims when their offenders begin the pre-release phase of reentry and what measures they may take to provide support throughout the process. The "reentry support team member" in this case signifies volunteers who are trained to provide supportive services to victims.

Good Neighboring. The concept of "victim support" has its foundation in the age-old concept of listening, expressing concern, and providing assistance, if requested from someone in need. Ellen Halbert, Director of the Victim/Witness Division of the District Attorney's office in Travis County, Texas, and Editor of CVR, believes that existing "good neighbor policies" can contribute significantly to meeting victims' needs relevant to offender reentry. She says:

Community members can provide enormous emotional support by a regular phone call to victims to find out what they need. Neighbors can offer to keep an eye out for them; they can assist in fixing window and door locks and adding lights to the outside of the house. They can, as a neighborhood, work out a safety plan for the victim, identify people that victims can call if they are afraid, and establish people who will touch base regularly with the victim. They can create an aura of safety around a victim by helping them stay connected with the neighborhood.

Understand victims’ needs. Giles stresses:

The greatest help communities can provide to victims when their offenders reenter is to acknowledge crime victims in the community and to educate the public as to victims’ needs.
For example, Giles has helped implement community forums through town meetings in Maine that address the release of sex offenders into the community. Continuing training and technical assistance about victim trauma and victims' needs, for community members as well as justice professionals, is a critical component.

**Service availability and accessibility.** Community members can also be aware of and educated about the range of victim assistance and social services available in the community. They can work with victims to identify basic needs that can be met by community volunteers, such as the following:

- Providing food and shelter, transportation, and child care;
- Developing a list with contact information (24-hours-a-day, seven-days-a-week) of family members, friends and neighbors who can be called on to provide support and assistance;
- Coordinating neighborhood watch or "cocooning" activities if it victim has safety concerns (*Author's Note: For information on "cocooning," see Anne Seymour, "Kirkholt Burglary Prevention Project," 5 (1) CVR 3 (Mar./Apr. 2001))
- Ensuring that local law enforcement agencies--including police, probation, and parole--are aware of the victim's status and concerns; and
- Encouraging increased surveillance on offenders who may pose a threat to a victim's safety.

**Public awareness.** Public awareness of victims' rights issues related to offender reentry efforts can be raised by the following measures:

- The community can actively disseminate information that educates members about victims' rights, needs, and services.
- Crime victims should be informed of their rights and services that are available when their offenders reenter the community.
- The public must be made aware of victim vulnerability during the offender reentry period to be of assistance.
- The media should be educated about the importance of reentry efforts as they affect both offenders and victims in order to better understand and convey to the public the importance of successful reentries.

The development of a public awareness plan can include the following elements:

1. Slogans that emphasize victims' needs;
2. The observance of national commemorative months and weeks that honor victims and those who serve them;
3. List-serves, user groups, or web-based message boards that maintain regular contact with key community volunteers; and
4. Publication of regular newsletters for partnership members.

Community members can also write articles and submit opinion pieces to print and broadcast news media—including letters-to-the-editor, opinion/editorial columns, and broadcast editorials—that highlight the victim component of offender reentry.

**Advocacy.** In the United States today, there are over 30,000 laws that define and protect victims' rights. Constitutional amendments in 32 states often strengthen victims' basic statutory rights and, in some states, provide for measures of compliance. However, many laws on the books are not enforced uniformly, and victims sometimes have few remedies available to enforce their rights. Community members can support the review of and, if needed, revisions in existing state victims' rights laws.

**Community Support for Victims’ Rights at the Time of Reentry**

Reentry partnerships should examine existing victims' rights laws related to their safety and participation throughout reentry processes. Compliance is a major concern to ensure that measures are in place to facilitate uniform implementation of victims' rights and to provide remedies to victims whose rights have been ignored or violated.
When community reentry support team members have knowledge of victim’s rights that are relevant to offender release, the likelihood that those rights are respected and enforced is greater.

While an understanding of victims’ rights is essential for improved enforcement, how and when that information is acted upon depends on individual victims and their wishes. Some victims will choose not to be informed, involved, or related in any way to the offender reentry process.

Seymour describes several ways that community reentry volunteers can enhance the delivery of core victims’ rights. First of all, they can request and attend training programs cosponsored by correctional agencies and victim service providers that address victims’ rights relevant to reentry programs and how such rights can be implemented in a multidisciplinary manner.

The following victims’ rights comprise the core programs and community responses addressing victim-related reentry issues:

1. Notification;
2. Protection;
3. Victim Impact Statements; and
4. Restitution.

**Notification**

The victims’ right to notification is critical to involving victims throughout the entire justice process and to informing them of rights and services that are available to them. Often called "the threshold right" from which all other victims’ rights and services emanate, victim notification takes on added importance within the context of offender reentry. (See D. Beatty, speech at the "Automated Statewide Victim Notification Conference,” Louisville, KY (1999).) The most notable victims rights relevant to reentry are the following:

- Victims' rights to notification of the offender's status and location;
- Rights to participate in hearings and events relevant to the offender’s case status; and
- Rights of notification relevant to receiving restitution and information that can contribute to a victim's sense of safety and security.

Community reentry volunteers can learn enough about notification so that they can provide advice and referrals to victims at any point in the reentry process. It may be helpful to some victims to offer to serve as the recipient of "dual notification” so that a "cocoon of support” can be immediately provided. Volunteers can assist in the following ways:

- Offering to accompany victims and to attend hearings relevant to the offender’s status;
- Providing translation services to victims who do not speak English or reading notification information to victims who are illiterate;
- Serving as a conduit of information between institutional, community corrections, and victim assistance professionals when the victim needs support or services; and
- Providing input from victims developed while providing assistance and support during notification.

**Protection**

Everyone has the "right" to feel safe and to be safe, but return to safety may be an arduous journey for those who have experienced criminal victimization. Therefore, the right to have knowledge of the case status and the status and location of
the offender can be keys in a victim's sense of well-being. When and how information is conveyed concerning the release of an offender, his or her state of mind, and his or her impending whereabouts can be critical to the ability of a victim of violent crime to address the real or perceived likelihood of revictimization.

Generally, victims are subject to two principal types of fear:

1. Actual fear that results from the experience of the crime, longstanding feelings of intimidation and terror developed in a relationship where there is a history of violent behavior, and threats from the offender or his or her acquaintances following the crime.

2. Perceived fear when the trauma of victimization causes victims to feel fearful. The fear may be more widespread and include not only the offender, but also the justice system, and the people and things that remind them of the crime—even when there has been no direct or implied threat.

**Victims may not vice fears.** Victims often do not express their feelings of fear—actual or perceived—so it is important to make a practice of asking them if they have concerns for their safety, and work with the victim to address them.

**Volunteers important to safety plan.** In a successful reentry partnership, community volunteers can be the "backbone" of efforts to promote victim safety. Volunteers can learn about victim trauma and how it affects feelings of safety so they are able to communicate appropriately with them. They can help victims document their safety concerns and communicate them to supervision and surveillance officers. In some cases, the safety concerns can be addressed in the offender's conditions of supervision. Furthermore, reentry volunteers can help document violations of conditions of supervision that affect victim safety so that they are addressed immediately.

**Developing safety plans.** Many victims can benefit from assistance in developing safety plans. They may require a "safe harbor" when they are afraid to be in their homes or places of employment, or they may need help in relocating altogether due to threats of intimidation, harassment, or harm. Sometimes creating a cocoon of support of neighbors and friends will help victims feel safe and prevent further revictimization while validating their safety and security concerns. A reentry volunteer can offer to be a 24/7 on-call support person for victims who experience crises and serve as liaison to the agency with responsibility for supervising the offender.

**Victim Impact Statements**

True justice takes into consideration exactly how people are hurt by crime—physically, financially, and emotionally. One of the most powerful tools for defining victim impact in the cadre of victims' rights and services is the victim impact statement (VIS). Whether it is a written description or one that is delivered orally—in person or by audiotape or video-- VIS describes the physical, financial, and emotional effects a crime has on an individual victim and his or her family.

**Use of VIS in justice system.** The VIS is used by probation agencies in preparing pre-sentence investigation (PSI) reports for the court, and for judicial consideration at the time of sentencing. Paroling and correctional authorities use the VIS as they make decisions regarding the classification of incarcerated offenders or the release of the offender from custody. The VIS is particularly useful when correctional agencies prepare offenders for reintegration into the community. The VIS assists in the identification of offenders' counseling needs, treatment needs, and issues related to accountability and understanding the impact of crime. The information garnered from the VIS can help in developing an offender's reentry case plan, and provide reentry team members with crucial insights into victims' needs and concerns.

**Community/neighborhood impact statements.** Community/neighborhood impact statements (CNIS) can inform and empower local residents in areas affected by crime and offer them opportunities to convey the impact of crime on the neighborhood to community policing or community probation officers. Particularly in neighborhoods where the distribution of illicit drugs and violent crime are chronic, the CNIS is an important tool for airing individual and neighborhood concerns: focusing the attention of residents on the extent of the problem and uniting them in a common effort to actively address
group victimization and the toll it takes on their well-being. For example, the CNIS can ask for input from community members in a neighborhood to an offender is being released about their specific concerns and the type of information they need to feel safe. Participating in the creation of a CNIS can also generate opportunities for neighborhood involvement in both victim- and offender-related programs and issues.

Restitution

Restitution is one of the only ways that crime victims can hold offenders directly responsible for the harm that they have caused. Courts in all 50 states are mandated by law to order offenders at sentencing to reimburse victims for financial losses incurred as a result of their criminal behavior. Because only a few states have prison industry programs in which offenders can accumulate enough wages to substantially reduce the amount of restitution owed, offenders generally initiate payments to victims when they are released from incarceration. The inclusion of a restitution payment program that determines amounts and timing of payments should be an integral part of offender reentry planning (when restitution has been ordered).

Assistance to victims with restitution issues. Community reentry volunteers can ensure that victims with whom they are working have written information that explains their restitution rights and how to enforce them. When victims have not been provided the opportunity to request restitution, or if restitution has not been ordered in cases involving pecuniary losses, volunteers can serve as a liaison to the corrections or reentry partnership authority to facilitate restitution.

Restitution enforcement. When restitution has been ordered and the offender has rejoined the community, reentry volunteers can serve as a liaison between the victim, supervising officer, and offender in responding to delinquent or non-existent restitution payments. They can also organize or serve on a restitution-specific advisory committee for reentry that cultivates a culture in the business community that supports offender accountability to victims for their financial obligations. Employers engaged in this process can offer employment to offenders that includes an agreed upon payment of restitution that is automatically deducted from wages. Reentry volunteers can also support offenders by offering classes in budgeting and money management, and providing regular reminders to offenders with whom they work about the importance of paying restitution obligations on time and in full.

Communities Must Pay Attention

As the nation prepares for the release of a half million offenders annually over the next decade, measures must be taken to address core victims rights relevant to offender reentry. Safety and well-being are critical issues to victims whose offenders are being released or preparing to be released. The neighborhoods and communities in which victims live can provide assistance to them in several principal ways:

- Support;
- Advocacy;
- Liaison services; and
- Public awareness.

Members of the community can positively affect outcomes for victims and offenders at the time of reentry through the following measures:

- Reacting with sensitivity to victim trauma and how it affects feelings of safety;
- Providing assistance with safety concerns;
- Developing awareness of notification rights and their importance; and
- Recognizing and supporting both victims and offenders in adhering to restitution orders.

The vital role of the community is highlighted through the APPA Man- and Hook emphasizes:
If victims and offenders understand that people in their communities are paying attention—that the community has a vested interest in making sure that the reentry process goes smoothly—it could change the whole dynamic. Victims would be less vulnerable, offenders would be more responsible, and the community would be looking out for its own people, actively engaged in maintaining a safer and healthier culture.

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Excerpts from “The Victim’s Role in Offender Reentry: A Community Response Manual” (APPA) were utilized for this article.