

Best Practice Guidelines in Working with Victims of Reparative Probation Offenses

A Restorative Justice Manual

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Dear Reader,

I hope this manual will be a work in progress - to be refined and improved as all of us learn more about how we can include victims in the Reparative Probation Program in ways which are most meaningful to them.

We developed this manual to help Department of Corrections (DOC) volunteers and staff think about ways in which the Reparative Probation Program can best respectfully and safely include victims in its restorative process. Throughout the manual, the best practice guides for working with victims are also meant for use with *all* affected parties of a crime. This document attempts to offer guidelines in working with victims based on "best practice;" that is, what research, experience and victim responses have led us to believe is the most effective way to meet victim needs and achieve a restorative process for all involved.

Much of the material here items represents "operational direction," as well as best practice, but of course no one can spell out exactly what to do in each individual case. The *Appendices* have materials and resources we hope you will find helpful. Use them freely in your own local program.

Our thanks to our Victim Services 2000 colleagues (Stacie Blake, Suzanne Gruending, Judith Patrissi and Susan Russell) and DOC staff, Reparative Board members and Victim Liaison volunteers who have shared their expertise and suggestions for this Guide. Special thanks to the Guidelines committee, DOC staff Niel Christiansen, Ann Fiedler, Lynne Walther and volunteer Connie Weems for their many hours of work on this manual, as well as Cheryl Gates for her patient and detailed assistance. Appreciation, also, to all of the Vermont DOC field staff and volunteers who have contributed sample brochures, checklists, letters and feedback on their work with victims during the past five years. Thank you for the careful edits of Jane Marvin, Chani Waterhouse, Dianne Smith-Tucker and Jackie Jackson. Steve Lickwar also gave technical assistance.

Please feel free to send me additional ideas or suggestions that could improve this guide. I am most interested in lessons learned as we all work to make the Reparative Probation Program truly restorative for victims, communities and offenders.

Sincerely,

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Note: The guide does *not* address a restitution issue in the restorative justice legislation passed in Vermont in May, 2000 (H.850) that states in (15): "The court may direct a reparative board to assist in determining restitution to the victim..." Clearly, guidance is needed, and as the Department, in conjunction with Reparative Board members, the community and victims, begins to define how the boards can best assist in this process, we will add this process to the manual.

Introduction

Using this Guide

This manual is divided up into eight major sections, followed by a number of Appendices. We begin with some definitions we think will be helpful in your work, and as they are used in the guide. Then the manual follows the reparative process - from screening the cases sent to the program through follow up to a Reparative Board meeting. We describe each point in the process from the perspective of how to best try to meet the needs of victims and affected parties of that particular Reparative Probation offense. Again, some of this material focuses on best practice, and some of it is very specific about logistics, timing and details to complete.

Section III describes the intended cases meant for Reparative Probation and talks about what cases are not suitable for this process because of special victim issues. Although staff do screen cases, volunteers may find elements of a case which results in returning it to court as not suitable for the Program. Domestic abuse and sexual offenses, which are never appropriate for this program, are included in this section.

Section IV gives suggestions for determining who may have been affected by an offense and how to locate them, recognizing that privacy may be an issue. It also goes over the probation order and implications for victim contact. This is also the section which instructs you on entering victim data in the Reparative Database.

Section V is a longer section because it covers both first contacting victims and then orienting them to the entire process. It describes approaching and listening to victims in an appropriate and helpful way, giving complete information about the program, offering choices for participation and answering questions many victims will have. We also go over possible responses a victim may have to being contacted and invited to participate. There are suggestions for responding to victims who do not want to become involved.

If a victim is interested in participating in some way (and not always meeting directly with the offender), *Section VI* lays out important ways to prepare her/him for whatever level of participation s/he has chosen. It also deals with how to support that person to go through the process (e.g., offering mileage to attend a meeting, offering to be a support person during the meeting, etc.)

Section VII covers the first Board meeting. There is information for when the victim does participate and when s/he does not participate. Whether s/he is present or not, Board members and staff must acknowledge during the meeting that there is a victim of this crime.

Finally, *Section VIII* goes over things to remember and do after the initial meeting and before and after any further meetings (*Review* and *Closing* meetings), again, whether a victim chooses to participate or not. Victims still need information and choices throughout the offender's probation.

The *Appendices* have more pages than the body of the manual. Included here are checklists to help you as you contact, orient and support victims; sample letters to send out to them; information on how to maintain the DOC database on victims; possible risks and benefits of the program; criminal justice forms, offenses and abbreviations that you will run across in the offender's file; how to work with victims with diverse needs; and a large list of resources to share with victims or use yourself to prepare in working with them.

Note: This guide is intended for anyone working with victims during the reparative process. At most times we address the volunteer victim liaison, but all of the information and direction applies to a staff person working in that role. We know also that certain Board members are serving in this capacity.

Some of the manual talks about what Board members need to do regarding victims, and at points there is information for the staff person who is the liaison to the Board. There is even material here directed at the CSS on the case who may or may not be the Board liaison for that case! This may seem confusing as you read the manual, and we apologize for that.

We also recognize that we have repeated some information that you received during your initial Reparative Probation training. Hopefully, this manual will reinforce what you have already been doing and round out the concept and practice of restorative justice which focuses on acknowledgement of the needs of victims, as well as inviting victim participation and honoring their choices.

Use this manual as an ongoing guide...even after your training you can refer to pages that may be helpful as you work with victims or use forms and checklists with each case. As you use it, please continue to give us feedback.

B. Training Standards

Every individual who contacts, works with or supports a victim of a Reparative Probation case (DOC staff and volunteers) must complete the standard *Guidelines for Working with Victims in the Reparative Probation Program Training Curriculum* (which includes this manual.) This includes staff or volunteers serving in the Victim Liaison role, Correctional Service Specialists/other staff in the CRSU who are liaisons to a Board, staff in the CRSU who are responsible for any Reparative Probation cases and Justice Center staff/volunteers who work on the Reparative Probation Program. All Reparative Board members must also complete this training, as well as any other volunteers working with the Reparative Probation Program.

Anyone serving in the Victim Liaison role must also take the *Standard Reparative Probation Training for Reparative Board Members*. See the area Community Resource Coordinator near your site for training schedules.

Chris Dinnan, Southwest area 802-786-5034
Ann Fiedler, Southeast area 802-296-5520
Derek Miodownik, Northwest area 802-651-1644
Karen Tyler, Northeast area 802-479-4451

< Restorative in Victims of Role Central The>The concept that violations create obligations identifies the victim as the person to whom the offender is first and foremost accountable. It identifies the offender as the person accountable to his/her victim for the specific harm done. [F]or restorative justice...to live up to its claims, it must remain grounded in principle and must not only listen to, but incorporate victims' voices."

IT ISN'T RESTORATIVE JUSTICE UNLESS...

< Victims and victim advocates are represented on initial planning committees and governing bodies;

< Victims' safety is a fundamental element of program design;

Victims can identify and articulate their needs and are given choices;

< Victims' opportunities for involvement are maximized;

Victims understand clearly their roles in the program, including potential benefits and risks to themselves and offenders;

Confidentiality is provided within clear guidelines;

Victims have as much information as possible about the case, the offense and the offender;

Program design provides referrals for additional support and assistance;

Services are available to victims even when their offenders have not been arrested or are unwilling or unable to participate;

D. Overview of Best Practice Guidelines*

Victims have a tremendous stake in how restorative justice is implemented. Without their support, involvement, and input, restorative justice is likely to be a fragile alternative to traditional criminal justice processes.**

How will we know when we are getting it right?

When victims feel

they were given ample information for deciding whether or not to participate in a restorative justice process.

they were free to choose whether to participate or not.

their role was central to the process: did they, for example, feel their involvement was seen as important in and of itself— not only to hold the offender accountable?

sufficiently prepared to participate in the restorative justice process. Were they, for example, confronted with surprises that ought to have been discussed or revealed during a preparatory meeting?

able to express how they have been harmed, and the extent to which they feel they have been heard.

they had an influence on the agreed plan to hold the offender accountable and to restore their losses.

respected and dealt with sensitively by program staff/volunteers.

sufficiently protected.

their feedback is followed up with program adjustments or improvements.

* Page 8 is excerpted from Nicholl, Caroline G., Community Policing, Community Justice and Restorative Justice. Washington, D.C.: U.S. Department of Justice, Office of Community Oriented Policing Services, 1999.

**Throughout this guide we are referring to a specific restorative justice program and methodology, *The Reparative Probation Program in Vermont*.

E. Role of the Victim Liaison (*Appendix E.1, page 123.*)

Each Corrections' Court and Reparative Services Office has a person, often a volunteer, who is responsible for locating and contacting those affected by the crimes of offenders sentenced to Reparative Probation. This is the Victim Liaison. The Victim Liaison role is important because it is the initial link between the Reparative Board, representing the community, to those affected by the crime. The purpose of contacting victims is to ensure that those affected by the crime are offered participation in the reparative process. Therefore, a major role of the Liaison is to give enough information and support to the victim to allow safe and meaningful participation.

When victims and affected parties choose not to participate, the Victim Liaison tries to arrange other ways the information about the impact of the offense can be shared with the Reparative Board, and ultimately the offender. This ensures that the

offender understands the impact of his/her actions on others and can maximize his/her amends to the victim.

Often, the Victim Liaison may call on the efforts of others in the CRSU office or other volunteers/Board members to assist in locating, contacting or supporting victims. Although it is ideal to have a volunteer in this role, ultimately it is the responsibility of the CRSU staff (CRSU Supervisor, CSS in charge of case, CSS who is Board liaison for that case) to ensure that these responsibilities are carried out. In some areas, individual Board members are performing the Victim Liaison role on a rotating basis.

When someone first begins in the Victim Liaison role, we recommend that they introduce themselves to the local Victim Advocate in their district State's Attorneys' Office, so that the advocate is comfortable sharing appropriate information. Not only can the Victim Advocate provide specific contact information for most victims, s/he can be a knowledgeable resource.

F. Summary of the Process*

Once victims and affected parties have been identified from the police report, court papers or the Victim Advocate's office, the Victim Liaison locates their address and telephone number. S/he sends an initial letter and Reparative brochure, which explain the basics of the program, and then follows that up with a telephone call.

Should the *victim choose to participate*, the Liaison orients the victim to the reparative process and arranges for his/her safe participation at a Board meeting or

More detailed information follows throughout this manual.

other restorative process. This includes making sure staff and Board members know that the victim is coming, honoring any victim requests for feeling safe and keeping the victim informed as the case proceeds. Should the *victim not wish to attend* a Reparative Board meeting or otherwise meet with the offender, the Liaison shares information about the impact of the crime to the extent the victim chooses.

Whether the victim participates or not, it is important to find out if s/he wants follow up; then the Victim liaison must follow up with him/her as the case progress and finally closes.

Either way, the Liaison enters all information about the victim in the Corrections Reparative Database to document the contact and make sure that an evaluation survey can be sent after the case is concluded. (*Appendix B.9, page 90.*)

II. Definitions

The following words and phrases are used throughout this manual. These definitions may be helpful to you.

Administrative Probation: An unsupervised probation in which the Department monitors compliance with special court-ordered requirements such as fine collection.

Affected Party: Primarily "secondary" victims; i.e., those people affected by the crime, but in a more indirect way - e.g., the neighbors of a burglary victim who are now frightened they too may be robbed; the younger siblings of a student in a school where a bomb threat occurred; or the spouse who has to drive the victim to work each day as a result of a DUI injury.

Affidavit: The document written by the police officer describing the criminal behavior that led to the conviction. It is always found in the Legal Section of the offender's file in the CRSU office and should identify victims and affected parties of the crime.

Closing Reparative Meeting: A final meeting between the offender and the Reparative Board when the offender has completed (or is scheduled to complete) the Reparative Contract, to which the victim is invited.

Community Reparative Board/Panel: A group of community volunteers appointed by the Commissioner of Corrections to sit as a board to facilitate a restorative agreement among offenders sentenced to Reparative Probation, victims and the community. Usually 3-5 members sit at any given meeting. As of April 2002, there are 67 boards/panels in 37 towns in Vermont. Board members receive specialized training in restorative justice and victims' issues.

Community Resource Coordinator (CRC): A Corrections staff person who oversees volunteer services in field sites with the primary responsibility for support of restorative and reparative efforts at a Court and Reparative Services Unit (CRSU). The CRC trains staff as well as volunteers in restorative initiatives (e.g., group conferencing, Victim Impact Program delivery and Reparative Board orientation), as well as developing new programs related to Reparative Probation.

Correctional Services Specialist (CSS): A Corrections staff role in the Court & Reparative Services Unit which monitors probation cases, including Reparative

Probation; also referred to as a probation & parole officer. The CSS in a CRSU (*may*) also serves as a liaison to a Reparative Board, and has specialized training in restorative justice and victims' issues.

Court and Reparative Services Unit (CRSU): The Corrections' Court and Reparative Services Unit office. This office is responsible for monitoring low and medium supervision (according to the *Supervision Level Assessment Instrument* -

Appendix E.5, page 128) probation cases. The office is also responsible for administering the Reparative Probation Program and the Community Restitution Program.

CRSU Supervisor/Manager: A Corrections' staff person, the supervisor or manager for the Court and Reparative Services Unit office, who has ultimate responsibility for all services conducted in the CRSU.

Deferred Sentence: A finding of guilt by the court and a process in which the court defers sentencing and places the person on probation. Upon fulfillment of the terms of probation and the deferred sentence agreement, the court shall discharge the individual from probation and remove any records of the case. (*See page...*)

Domestic Abuse: A term used to describe a pattern of assaultive and coercive behaviors, including physical, sexual, economic and psychological abuse, used by one intimate partner to obtain and maintain power and control over their current or past intimate partner. Domestic abuse results in an atmosphere of fear and/or terror for the victim. Domestic abuse is a term that is used interchangeably with with the terms "battering," "domestic violence" and "domestic assault."

Executive Session: A closed meeting within a public (open) meeting (e.g., Reparative Board meeting with just Board members present and no minutes taken) is called an Executive Session. There are specific reasons for holding an Executive Session outlined in Title 1 V.S.A., subchapter 2, 313. (*See page 48.*)

Initial Reparative Meeting: The first meeting between the offender and the Reparative Board, ideally with the victim present or represented, at which a contract is agreed upon by all parties indicating what the offender will do in reparation for the harm caused by his/her offense. (*See page 44.*)

Modified Probation Order: Since the Probation Order for Reparative Probation comes from the court, any change of a specific or general condition needs to be submitted to the court by CRSU staff and approved as modified.

Open Meeting Law: Vermont law (See Title 1, V.S.A., Chapter 5) governs meetings of public bodies such as Reparative Boards. An open meeting is a meeting anyone can attend, including the media. The meeting time and date must be posted in three public places ahead of time. (E.g., the CRSU office, the space where the Board meetings are held and the post office.)

Probation Order: The legal court document that specifies the sentence and conditions of probation for an offender. It is included in the Legal Section of the offender's file in the CRSU office. Sometimes referred to as the Warrant. (*Appendix E.2, page 125, includes several different Probation Orders.*)

PROBER: The name of the Corrections database in which offender probation and parole data is stored.

Reparative Board Liaison/Coordinator: A Corrections staff person (a CSS) who is responsible for providing administrative services to a specific Reparative Board/Panel. This individual may also be the probation officer for an offender going before that Reparative Board.

Reparative Probation: A program with the legal status of probation, but with the added condition requiring the probationer to meet with a Reparative Board. This may take the form of a Standard, Administrative or Deferred Probation Warrant. (*Appendix E.2, page 125.*) The program is meant to be completed within 90 days.

Restitution: Compensation or reparation ordered by the court to be paid by the offender to the victim of the crime. This order holds offenders financially accountable for their criminal actions and can include money for property loss, medical expenses, costs of counseling, lost wages or other considerations.

Restorative Justice: (1) A fairly new approach being utilized by Vermont's criminal justice system. (2) Restorative justice views crime as a violation against people and relationships rather than against the state or system. (3) This process brings together victims and affected parties, which includes the community. The Vermont Corrections' Reparative Probation Program is based on restorative justice concepts.

Review Reparative Meeting: A meeting which reviews the progress made by the offender in fulfilling the terms of his/her contract, to which the victim is also invited. This meeting usually takes place before the scheduled 90-day completion date. It is up to the Board to determine when and how many review meetings take place.

Sexual Violence:

Standard Probation: A legal status under which an individual, found guilty of a crime upon verdict or plea, is released by the court subject to conditions imposed by the court and subject to the supervision of the Commissioner of Corrections. The CRSU is the unit that monitors the offender during probation.

State's Attorney Victim Advocate: A staff person in each district State's Attorney's office who provides assistance and information to crime victims when the offender is charged in *adult* criminal court. This includes information on the status of the court case, notification of hearings, preparation of the victim for depositions and trial, establishing restitution amounts, assistance in filling out Impact Statements and applications for compensation, as well as providing information to the victim on harassment and protection orders. (*Vermont Victim Services Resource Directory, Fall 2000 – Appendix D.1, page 119, See the Directory, page 78 to contact district offices.*)

Target Population for Reparative Probation: Reparative Probation targets all offenders who are convicted of nonviolent offenses which are also low/medium risk as determined by a DOC risk assessment scale (except Domestic Abuse offenses). If an offense (other than Domestic Abuse) outside the targeted population is sentenced to the program, the Board may choose to turn down the case. (From *Reparative Probation Directive, #501.02*)

Termination from Reparative Probation: The point at which the offender satisfactorily completes the Reparative Agreement and is recommended to the court for release from Reparative Probation, *or* fails to complete the requirements and is referred to the court for violation. Termination may occur before an offender has paid full restitution to the victim; in that case the offender continues on probation until the restitution has been paid. (See page 42.)

Victim (Direct): (Statutory definition) *A person who sustains physical, emotional or financial injury or death as a direct result of the commission or attempted commission of a crime or act of delinquency and shall also include the family members of a minor, incompetent or a homicide victim.* The direct victim(s) is usually identified in the affidavit.

Victim Liaison: A DOC volunteer/staff person who contacts and shares information with people who have been harmed by offenders sentenced to Reparative Probation. The Liaison offers the victim opportunities for involvement in the reparative process - ways in which they can participate in identifying the harm done and amends needed. (See page 12.)

Victim Surrogate: Any person whom the victim chooses and trusts to represent him/her during the reparative process. This could be someone who attends the Reparative Board meeting instead of the victim, or talks to the Victim Liaison to share what the victim wants shared.

III. Target Population AND Suitability for the Reparative Process

A. Within the Target

The target population for Reparative Probation cases is offenders convicted of nonviolent crimes who score low/medium on the Department *Supervision Level Instrument (Appendix E.5, page 128.)* Each case must be screened for appropriateness of referral to the Reparative Probation Program by CRSU staff. This is to address victim safety issues and ensure that the case falls within DOC program guidelines, which exclude domestic violence cases.

B. Outside the Target

The court may send cases outside the target to Reparative Probation. Except for domestic violence cases, the Reparative Boards may accept these cases, although

they also have the authority to refuse to see them. If the case is outside the target (i.e., violent, or higher risk), notify the CSS assigned to the case or the CRSU Supervisor. Cases outside the target may have heightened concerns for the victim. Special consideration, support and attention to victim safety needs and goals are necessary.

C. Suitability of Case

You may gain additional information during your review of the case that brings up concerns about appropriateness. Do the following for finding information on the suitability of the case:

- √ Review the Probation Order. (*Appendix E.2, page 125.*)
- √ Read the affidavit. (*Appendix E.3, page 126.*)
- √ Go through victim information from case materials.
- √ Look at Victim's Advocate's notes in the State's Attorney's office, if available. (*Appendix B.7, page 82.*)

Domestic violence cases are not suitable for the Reparative Probation Program.
(*Appendix B.14, page 104.*)

The following bullets summarize Appendix IX ("*Screening Domestic Abuse Cases out of Reparative Probation*") of Reparative Probation Directive 501.02, which follows on pages 20 and 21.

A person whose current convicted offense is *Domestic Assault, Stalking or Violation of a Relief from Abuse Order* must not be referred to Reparative Probation.

A person convicted of any offense against a *household member where**

domestic abuse was the *underlying behavior* of the convicted offense, whether labeled a domestic case by the court or not, cannot be referred to Reparative Probation. (E.g., the convicted offense is simple assault, but it is against a teenaged son.)

It is the responsibility of DOC staff to screen out these cases and notify the court, States Attorney and defense attorney.

Red Flags Which Could Mean a Domestic Case

***Victim and offender have same last name* - If a family relationship is not mentioned in the affidavit, you might catch this by noting that the victim and offender have the same name.**

***Victim and offender come from the same family* - Again, if a family relationship is not mentioned in the affidavit, you may pick this up from your conversation with the victim, or even from a completed Reparative Questionnaire. Family means blood**

relatives, as well as related by marriage. *Note:* The last names may or may not be the same.

Victim and offender have a prior relationship - Be on the lookout as you talk to the victim, or as CRSU staff talk to the offender, for a relationship that the victim and offender had previous to this offense. Domestic dynamics can still be in play.

Case has been reduced from a domestic offense - The affidavit will indicate the original offense that may have been *reduced* in court as part of a plea bargain. Examples: from *Domestic Assault* to *Simple Assault*; from *Violating a No Contact Order* to *Disturbing the Peace*; from *Violating a Restraining Order* to *Trespassing*.

Again, if you have any concerns about the safety of the victim, or whether the case should be screened out because of possible Domestic Abuse issues, see your supervisor before proceeding. We value what information you gain from your careful review of the case materials, and your perspective on this situation is extremely important to victim safety and DOC staff.

*See page 18 for definition of *household members*.

Appendix IX of the

Reparative Probation Directive 501.02

September 15, 1999

SCREENING DOMESTIC ABUSE CASES OUT OF REPARATIVE PROBATION

Definitions:

Household Members

Persons who, for any period of time, are living or have lived together, are sharing or who have shared occupancy of a dwelling, are engaged in or who have engaged in a sexual relationship, adults or minors who are dating or who have dated.

Abuse

Occurrence of one or more of the following acts between family or household members:

attempting to cause, or causing, physical harm;

placing another in fear of imminent serious physical harm;

Abuse to children as defined in subchapter 2 of chapter 49 of title 33.

Purpose:

Referral of domestic abusers to the Reparative Probation Program, as currently designed, is inappropriate and potentially counterproductive; the program does not allow referral of domestic abuse cases to the Reparative Boards. The purpose of this Appendix is:

1 – to define domestic abuse situations;

2 – to describe how to determine if a case is one of domestic abuse;

3 – to describe action to take if an inappropriately referred domestic abuse case is identified.

Policy Explanation:

A probationer convicted of the crime of *Domestic Assault, Stalking, Violation of a Relief from Abuse Order* or any other crime specifically related to domestic abuse, cannot be referred to the

Reparative Probation Program. In addition, an offender convicted of any offense where domestic abuse was an element of the crime cannot be referred to the Reparative Probation Program.

It is the responsibility of the CSS {staff} to screen these cases out of the Program. This is a decision within the purview of the department and not the Reparative Board. The expectation is that the Board will be spared the obligation to decide if the case is one of domestic abuse.

Responsibility of the CSS

The assigned CSS shall ensure that offenders are screened out of the Reparative Probation Program – prior to referral to the Reparative Board – if the case meets the following criteria:

The crime of conviction is domestic assault, or

The underlying behavior of the convicted offense, irrespective of the crime that the defendant is convicted of, meets the test of domestic abuse.

The assigned CSS (or volunteer under his/her supervision) will review the affidavits of all cases referred to The Reparative Probation Program and undertake sufficient investigation (where there is reason to believe the case involves domestic abuse) to determine if a case fits the criteria described above. If it meets the criteria, the CSS will notify the court, the state's attorney, and the defense attorney that the offender is ineligible for the Program. These cases shall not be referred to the Reparative Board.

Meeting the Test

To declare a probationer ineligible for the Reparative Probation Program for a crime that is *not* one of the series of domestic assault or stalking crimes, two tests must be met. First, the facts in the affidavit must indicate that abuse as defined in the statute (see *Definitions*) was part of the behavior; and second, it must be perpetrated on a family or household member as defined in the statute (see *Definitions*).

For example: the offender was convicted of "*Unlawful Trespass*", but review of the affidavit reveals that the offender had a restraining order and was attempting to break into the home of his ex-wife who called the police because she was in fear of injury. These facts constitute a domestic abuse case, because both criteria exist – the ex-wife is a household member by definition, and the behavior in the crime constitutes abuse; therefore, it is a domestic abuse case. The offender is not eligible for the Reparative Probation Program.

Identifying and Locating Victims and Affected Parties

We realize that not all Reparative cases have specific victims or affected parties other than the general community (e.g., possession of malt beverage, driving under influence – first offense etc.), but you need to review the case carefully before you assume this.

Definitions

See pages 17 and 14 for definitions of *victim (direct)* and *affected party*. Sometimes an affected party, especially, may not be so evident at first glance at the case.

B. Getting Started on the Case

It is important to familiarize yourself with the case by reading information in the offender file before you start contacting victims. You will find most of what you need in the *Legal Section* of the file under the *Probation Order* and *Affidavit*.

Review the Probation Order.

What is the offense for which the offender is sentenced?

What is the date of the offense? (It could have been months ago, and this is relevant when you contact the victim.)

What is the sentence date and docket number?

Check if there is *more than one offense*. Are they all Reparative cases? This can be confusing.

Check if the case is a *Standard Order* with a Reparative condition, an *Administrative Order* only for Reparative Probation or a *Deferred Order*. * (See *Appendices E.2*, page 125 for samples.)

Did the court order any restitution amounts, which are included on the Probation Order?

Are there victim names and addresses on this restitution order?

Are there any community work service hours already ordered by the court?

**Deferred Sentence/Order:* In case of a deferred sentence (*see definition, p.15*), be sure that you notice the expiration date on the Probation Order. All reparative activities must be completed before this end date, at which time the probation ends. If a deferred sentence is only 60-90 days, for instance, there may be implications for

the victim. This can create specific problems around offender compliance that the victim needs to be aware of.

C. Identifying Victims and Affected Parties

Read the Affidavit (*See Appendix E.3, page 126 for samples*).

See if there is an identified victim(s) or affected party(ies), or both. It is

important to contact anyone affected by the incident as indicated in the affidavit. There may even be an address or phone number in the affidavit.

1. What direct victims are identified in the affidavit?

2. What affected parties are identified in the affidavit?

3. Is a police officer a direct victim? Was the offender physically or verbally abusive to the officer(s) during the arrest? (*We always consider the arresting officer to be an affected party.*)

Determine which DOC staff/volunteers are working with this case.

Who is the DOC staff person (CSS) assigned to the case?

You can find this in PROBER, the DOC database, (*Definition, page 16 and Appendix B.10, page 91*) or it may be on the case file tab.

Who is the DOC staff liaison (CSS Board Coordinator) to the Board?

They may be different people. Both must be informed of any contacts with victims.

Are there any other volunteers working with the case? They may have information you need or vice versa.

D. Determining Victims and Affected Parties Who May Not be Obvious

There are a couple of reasons why it might not be immediately clear who has been affected by a crime.

As mentioned earlier, some cases have been reduced from a more serious offense to a lesser offense.

A plea agreement in court may result in an offender being sentenced for an offense that is less serious than the original crime; e.g., a simple assault may end up as disorderly conduct. It is important to deal with victim issues for the *actual crime* in these cases.

Some cases involve more than one offense for the same incident (such as reckless endangerment, drunken driving and careless and negligent driving), but end up as only one charge (e.g., DUI.)

In this example, the offender is only charged with DUI, and the other two charges are dropped (reckless endangerment and careless and negligent driving). There may be victims of the dropped charges, who might not otherwise be apparent in the DUI offense.

E. Locating Victims and Affected Parties

Locating Victims

The expectation is that a Reparative Board meeting in which a victim has been identified will not be held until you have made a "good faith effort" to reach the victim*, so it is a good idea to start as early as possible to contact him/her. A significant amount of time can be spent locating and contacting victims and affected parties after you have identified them.

Contact the local Victim Advocate in the State's Attorney's Office (*See page 12.*) Since s/he sends a letter to all crime victims, along with a Victim Impact Statement, you should be able to get needed information there. (*Appendix B.7, page 82.*)

If there is insufficient information in the affidavit to contact the victim, you may need to contact local police to find more information. (*Appendix B.7, page 82.*)

Looking in the phone book is always a good start when you don't have an address and/or phone number.

You may also try to locate a victim by asking other people. Be sure to protect his/her privacy. The individual may not want neighbors or postmasters to know the details of the victimization.

If you don't find contact information for victims, after checking these sources, document your efforts in the case notes and move on to possible affected parties.

Locating Affected Parties

Locating all of the affected parties can be more difficult, but here are some suggestions:

Police may have the information you need.

In small towns and neighborhoods, other local resources may be contacted to find them. For example, a Town Clerk, a neighbor or postmaster may

**Reparative Probation Program Standards, Directive 501.01 (Appendix E.4, page)*

know the person you are looking for and be willing to assist you in locating him/her.

Other DOC office staff can be helpful.

The commercial phone book and town phone books are invaluable resources.

You can also ask the direct victim who s/he thinks an affected party(ies) of the offense might be. *(See page 39 and Appendix B.5, page 74.)*

Again, be sure to protect the privacy of individuals.

F. Entering Victim and Affected Party Data in the Reparative Database

Whoever locates and contacts victims and affected parties is responsible for

entering this data in the Reparative Database immediately and not waiting until the case is terminated.

Once the data is entered, it is available to anyone else working on the case whether you are in the office or not. It is also your responsibility to add information to the database as the case proceeds; e.g., when the offender first meets with the board, when the victim gives you any information, when and how the victim participates in the process or not, etc.

The information needed to send the victim/affected party a survey when the case is terminated comes from this database and must be accurate. It is important that you spell the victim's name properly, as well as putting in a complete and accurate mailing address, because the victim survey is sent later from this information. You must also be sure to enter every victim and affected party separately.

These case notes can be entered in both the Reparative Database and in PROBER, the DOC offender database. *(Appendix B.9 & B.10, pages 90 & 91.)*

If you have not been trained how to do this data entry, please see your supervisor. You can also refer to the Reparative Database Training Manual and Using PROBER, *(See Appendix B.9, page 90 and Appendix B.10, page 91.)*

V. Initial Contact and Orientation of Victim(s) and Affected Party(ies)

General Considerations

It is important to let victims know that the community cares about them. You can do this by inviting them into the reparative process, acknowledging to them that the

crime that has occurred was wrong, and telling them that you realize that the negative effects that they have experienced can be significant.

Victims need essential information about the Reparative Probation Program and process before they can make decisions about whether they want to participate.

"...A fundamental guideline for (restorative) programs is protecting the safety of the victim. At every point in the ...process, one must ask, 'Does this pose a threat to the safety and well-being of the victim?'" (*Guidelines for Victim-Sensitive Victim-Offender Mediation*, Umbreit & Greenwood, Center for Restorative Justice & Peacemaking, University of Minnesota, April 2000, Office for Victims of Crime, p.8)

A. Contact by Mail

Before calling a victim, send him/her written information, the "Reparative Packet," within five working days of the Reparative Probation case intake. (The date of the intake is in the offender file.)

The "Reparative Packet" includes:

1. A letter of introduction (*Appendix C.1, page 106*);
2. A brochure with information describing the reparative process and its relationship to victims of Reparative Probation crimes (*Appendix B.3, page 70*);
3. A questionnaire for the victim to fill out about the crime if s/he wants to give a response in writing (*Appendix C.2, page 108, Reparative Questionnaire **).

*The aim of the *Reparative Questionnaire* is to provide a format for the victim to describe the impact of the crime on her/him. It is similar to *The Victim Impact Statement Form* which the Victim's Advocate sends to a victim, but is tailored to the Reparative Board process. There is no intention to duplicate this or burden the victim to provide similar information. If a victim wishes to send in an already completed *Victim Impact Statement* (rather than do additional paperwork to fill out a *Reparative Questionnaire*), you can submit that statement to the Board.

4. A stamped, self-addressed (to your local office) envelope for the victim to return the *Reparative Questionnaire*; and
5. Your Reparative Board schedule and location for all Boards relevant to this victim.

There are several purposes for sending a letter and packet of information to victims *before* speaking to them, all of which may increase their satisfaction:

1. To provide information (including benefits & risks) to them so they can review the program;

- 2. To offer them a number of ways to participate in the process if they wish;**
- 3. To give them forms to fill out if they decide to participate;**
- 4. To give them a "heads-up" about when you will be calling them;**
- 5. To provide materials for them to look at when you do call.**

Contact by Phone or in Person

The first personal contact with the victim is an important opportunity and can set the tone for the entire process.

Call the victim within a week after sending the Reparative Packet. (*Appendix B.5, page 74*, for guidance in calling.) Ask if s/he received the information you sent by mail.

If there are both victims and affected parties, the direct victim should be called first. As noted earlier, the direct victim may help you to identify other affected parties.

There are a number of reasons for following up the mail contact with a phone call. In order to establish trust and provide victims with the opportunity to make safe choices, it essential to:

Listen to and understand what the victim might need to tell you;

Collect information;

Personally acknowledge the harm done to the victim; (E.g., "I am sorry this happened to you.")

Give accurate information about the program and process and check to see if the information you sent was received;

Answer any questions s/he has;

Go over the choices the process offers for her/his participation;

Respond to and guide the victim in next steps whether s/he chooses to participate or not;

Identify other affected parties in the case;

Thank the victim for her/his consideration of the Reparative Program.

Although these don't necessarily occur in sequence as you speak to a victim, all are important.

REMEMBER....

Listen to and Understand the Victim:

Although you have important information to give the person, it is crucial also to listen (and take notes). A basic need of many victims is "being heard". Listening carefully will also prevent you from asking something (from your "script") that s/he has already answered.

In talking with victims, one must be ready for strong emotions such as anger, fear, resentment and even depression. It is important to be patient - not to interfere or offer comment - but just to listen. Often, after venting for a bit, the victim may be interested in hearing more about the Reparative Program. S/he is usually grateful for the opportunity to talk and to be heard sympathetically, and perhaps then may be willing to take part in the process. A victim may, at first, declare s/he wants nothing to do with the offender, but may feel very differently after having the opportunity to talk with you. Sharing his/her experience and learning about the Reparative Probation Program and process may change how s/he feels about meeting with the offender.

Keep the focus on this individual. It can be very tempting when trying to develop a rapport with a crime victim to share personal experiences that may be similar to what s/he has experienced... ("We were robbed a few years ago, and so I know how difficult it can be to feel safe in your own house again.") Although sharing a similar experience may seem to express empathy for this individual or "bridge the gap", it is best to keep the focus completely on the victim's *unique* story and experience.

When listening to a victim talk about his/her experiences, you may hear "privileged" information. For instance, the victim may reveal something like "I'm terrified to live alone now," "my therapist said....", or, "my son was sexually assaulted and this current incident brings up how I feel about that..." You should never share this information with the offender (even if it might help him/her to understand the true impact of the crime on the victim). It is best not to write it in the case notes or share it with the Board either. Before you end your conversation with the victim, you should review the points you would like to share with staff and the Board, as well as what you would like to share with the offender if the victim can't be present at the meeting. Be certain you only release information that the victim wants to share.

Some victims may fall into categories that might be dealt with a little differently.

The Commercial Establishment as Victim

Another approach may be needed for more "institutional" victims such as store managers, loss prevention officers and town officers. To them, one shoplifting case may not be important enough for them to respond to. What is more important is learning the prevalence of petty theft and property damage that plagues small and large businesses or communities. Explain to the business or town representative that reaching one offender (in a reparative process) means getting the word out that there will be a firm, but human response to such behavior that insists on offender responsibility for one's acts. To make this effective, their participation or representation as affected parties is essential.

The Arresting Officer(s)

Even though one role of law enforcement officers is to arrest crime suspects, they *are* affected parties in an offense and therefore should be invited to participate. When you ask them if they wish to participate in a Reparative case as an affected party, explain the importance of their input and feedback to the offender for a truly restorative process. They can represent the harm done to a community as taxpayers - the more need for investigating a crime, the more expensive it is. The time and energy they expend on low-level cases is taken away from more serious crime.

Note: if an officer is physically or verbally attacked during the arrest process, s/he should be considered a *direct victim*, rather than an affected party. (See page 25.)

Some victims may not want to have a process that is restorative, but may simply want the offender to be punished. This is certainly a reasonable response to being victimized, and punishment may be part of what some victims consider justice. For example, the victim of vandalism may want the person to go to jail, rather than have the offender repair the vandalism or pay for its repair. The victim may want not only restitution, but an amount exceeding the worth of the property damaged.

While wanting revenge or punishment is understandable, the Reparative Program works to find ways that the offender can make amends and be held accountable, rather than merely being punished for his/her offense. If you invite a victim to participate, and it becomes clear that s/he wants only to punish the offender, you should explain that the reparative process focuses on ways the offender can make amends to the victim and the community. Examples of some restorative Reparative conditions should be outlined for the victim; (e.g. asking for a verbal or written apology; asking the offender to do community work service that relates to the crime, like cleaning up a cemetery that s/he has vandalized; asking the offender to speak at high school classes about what s/he has learned from this experience; or making a donation to a charity that matters to the victim.)

Explain to the victim that the offender is expected to contribute his/her ideas to this list. Given the guidelines of the program, the victim can then decide whether to participate.

Collect Information

You want to collect information directly from the victim about several things, whenever possible:

- √ **A description of the harm caused to her/him and others by the crime;**
- √ **Some possible ways s/he might want this harm repaired;**
- √ **How s/he feels about all of this;**
- √ **Other affected parties whom the victim can identify;**
- √ **Any restitution or other amends that the offender has already paid;**
- √ **Any history about the crime - who else has contacted the victim and what have they explained (e.g., Victim Advocate in State's Attorney's office).**
- √ **A correct mailing address/phone number of the victim and any supporters who may want to participate in a meeting.**

Personally Acknowledge the Harm Done

After listening to the victim describe how this crime has affected her/him, you have the opportunity to acknowledge the harm done by the offender by simply saying, "I'm sorry this happened to you. " You may be the first person who has said this to the victim. This may have a positive and powerful effect on her/him. Be sincere. The victim will probably be able to tell if you aren't. Be sensitive to her/his emotions, too.

Give Accurate Information about the Program & Process

Whether you are able to do this during a phone call or in a personal meeting with the victim, it is essential to explain the purpose of the reparative meeting process, the intended goals of the Program and the ways in which these can meet victim needs. All of this information is in the Reparative Packet, so you can use these materials as a starting point.

Use these helpful resources as you share this information when you call the victim:

Sample Phone Script (Appendix B.5, page 74.) You may want to follow this fairly closely until you develop your own style. There is also room on the *Sample Phone Script* for checking off information and taking notes during the call.

Victim Contact & Orientation Checklists, (Appendices A.1 & A.2, pages 60 & 61.) Review or keep these near you as you talk to the individual, so that you can check off appropriate items.

c. Initial Letter, the Reparative Brochure and the Reparative Questionnaire (Appendices B.3, C.1, C.2, pages 70, 106, 108.) Keep these in front of you to refer to, especially if the victim didn't receive, or doesn't remember getting, the packet. Don't assume that s/he has already read the materials. Referring to the program description in the brochure and your own knowledge of the program, explain the Reparative Probation Program and the reparative process in enough detail to allow the victim to choose whether and how to participate.

Possible Benefits and Risks of Participation (These are also included in the phone script, *Appendix B.5, page 74, Appendix B.6, page 81.*) You should encourage the victim to consider the possible benefits and risks of the reparative process before s/he decides to participate (see next page). You might talk about benefits and risks as experiences that other individuals who have been victims of a crime have found in being involved in a restorative process. (*See pages 56 & 57 for sample victim comments about the program.*)

Possible Benefits

You will be able to meet the offender in a safe atmosphere.

You may receive information from the offender about the crime and his/her intentions at the time. (You may have your unanswered questions answered.)

- You may find support and resources from Corrections' staff and community Board members that will be helpful to you.**
- You may hear the offender say s/he understands for the first time what harm his/her crime caused you.**
- You may hear the offender sincerely acknowledge the harm s/he has caused you.**
- You may hear the offender sincerely apologize to you.**
- The offender may be more likely to pay all of the restitution and in a timely fashion.**
- You may see the offender as a person you don't have to fear in the future.**
- Community Board members will assure that you get a chance to say what you want to say.**
- Board members will acknowledge the harm and its impact on you.**
- Board members will help to put together a Reparative Agreement for the offender that includes your needs and wishes.**

Possible Risks

- The offender may not understand or acknowledge the harm s/he has caused you.**
- The offender may not apologize to you.**
- The offender may not pay all of the restitution you want, or in a timely fashion.**

- The Board members may not fully understand or acknowledge the harm you feel has been caused by the offender's actions.

- The offender may not show up at all for the Reparative Board meeting.

The offender may not fulfill the Reparative Agreement everyone has put together.

The reparative process may not meet all of the needs you have after this crime.

- You may feel that the offender is "getting off too easy".

- You may want to punish the offender, which is not one of the goals of the reparative process.

- The offender may not be sufficiently remorseful about the harm done.

- The Reparative Board members may have to meet with the offender without you due to scheduling conflicts.

Answer Questions

Be sure to allow the victim to ask questions, and try to answer them or refer her/him to someone you know can answer the question - with a phone number. Get back to the victim with any information you don't have at the moment. (*Appendix B.4, page 71*) for some frequently asked questions and suggested answers to them.)

6. Offer Choices

Offer the victim a choice of *different levels* of participation. Again, this may overlap with your earlier, initial description of the Reparative Program and process. S/he can:

- Attend the Board meeting with the offender present and s/he can bring support person(s). (Ask for the support persons' address & phone number, so you can share information with them, too.)

- Not attend the Board meeting, but send in a completed *Reparative Questionnaire* (*Appendix C.2, page 108*) to be shared at the meeting.

- Write a letter to the Reparative Board before the meeting, explaining the impact of the crime.

- Send a surrogate to the Board meeting (someone the victim chooses and trusts to stand in for her/him).

- Make an audiotape of her/his input to be shared at the Board meeting. Offer assistance if this is a possibility at your site. If a victim does give a statement, be

clear with him/her as to how it will be used in the reparative process; i.e., the offender will hear it.

- Have the DOC staff/volunteers share with the Reparative Board and offender the comments that the victim has made over the phone. It is important for you to read these back to the victim for approval and consent to share all of the information with the Board and offender.

- *Observe* the Reparative Board meeting, but choose not to participate.

Decide not to participate in any way.

The most important thing is that the victim decides. Practice saying, "Yes, that's a good idea; let's see if we can do it."

7. Respond to and Guide Victim in Next Steps

a. If the victim *shows some interest*, but is still undecided, suggest the following:

S/he can talk to an individual who was victimized and already participated in the reparative process

(if list is developed and it can be arranged.)

S/he can attend a Reparative Board meeting with

other cases, and observe the process.

(Refer the victim to the Board meeting

schedule, with locations, which was sent in

the Reparative Packet.)

S/he can watch a videotape of the process *(if developed.)*

If the victim gives reasons for *not wanting to participate*:

If her/his response is no, here are some reasons other

victims have given for not wanting to participate and

possible responses on your part (also listed

in the *Phone Script, Appendix B.5, page 74.*) Don't

pressure the victim. We have listed these responses to provide additional information or assistance.

These possible responses are not to be used to push anyone into deciding to participate.

It is important to be sensitive in your use of language.

***Your response:* "I understand that you don't feel this process would be safe for you. Is there anything we could do to help you feel safe to attend? For instance, could we walk with you to and from your car at the meeting place, or sit next to you at the meeting?" (See page 42.)**

**** Thanks to Mark Umbreit and Jean Greenwood for suggestions for appropriate language to use.***

***Your response:* "I respect your feelings. Would you like to give a victim impact statement or send someone in your place?"**

***Your response:* "Perhaps we could have a volunteer pick you up and take you home. (If you have that person/role in your area.) Would money for a bus or taxi help you get to the meeting?" Again, "then, if you still can't come, would you like to give a victim impact statement over the phone or send someone in your place?"**

***Your response:* (Assuming that you've already tried to re-schedule...) "I'm sorry that your schedule interferes. Unfortunately, our Reparative Board meetings are at a regularly scheduled time because so many volunteer community members are involved. Would you like to give a victim impact statement over the phone or send someone in your place?"**

Your response: "Could you tell me a little more about why you don't care about this? I understand that the crime was awhile ago..." Don't pressure them to give you a reason.

Your response: "I understand that the crime happened months (*check affidavit for date*) ago and you may want to forget about it. Is there anything you might still want because of the harm caused you?" If they mention something you think could be addressed in the Reparative meeting, you could explain how this might be an opportunity. But don't promise them anything!

Your response: "I understand that it seems as if your input wouldn't make any difference. Let me mention again some ways that it might." (*See first several "Possible Benefits", page 35 and Appendix B.6, page 81.*) Again, don't promise the individual anything.

If s/he still *doesn't* want to participate, ask, "May I send you information about the case as it goes along?" Double check that you have the correct mailing address, and note their response on your Victim Contact Checklist (*Appendix A.1, page 60.*)

8. Determine Other Affected Parties in the Case

As mentioned on page 27, a direct victim may be in a good position to identify and even help you locate others affected by the crime. These might be family members or witnesses to the offense. Your primary concern is for the direct victim, though, so don't pressure her/him to "come up with" other affected parties. Be sure to tell the victim that you will be trying to contact these individuals and invite them to participate in the reparative process.

9. Thank the Victim for His/Her Consideration of the Reparative Program

Whether s/he decides to participate or not, always thank the victim for listening to you and considering the options. Give her/him relevant phone numbers (staff/volunteers) to call in case s/he changes her/his mind about a decision or has further questions. These phone numbers should also be in the initial letter you send. (*Appendix C.1, page 106.*) Be clear, however, about the time frame for each part of the process, so that the victim doesn't decide to participate when it is too late.

Whether the victim says *yes*, *no* or *maybe* to participating,

Ask, "would you be interested in information about services in your community that assist crime victims?" (E.g., victim compensation, advocacy) If s/he says *yes*, give the Center for Crime Victims' phone number (1-800-750-1213).

Other Issues

Be flexible. You must continually assess the victim's responses as you talk by phone or in person. It is important not to turn this into a rote script, ignoring what you are hearing from the victim. Be appropriate and try to meet his/her needs as you sense them. (*Appendix B.11, page 92.*)

Be sensitive to and appropriate with individuals who have special needs that need to be addressed if they want to attend the meeting; (e.g., hard of hearing, use a wheelchair, etc. - *Appendix B.13, page 97.*) Also, victims from other cultures or for whom English is a foreign language may need more assistance. (*Appendix B.12, page 94.*) Both Appendices have possible questions to ask the victim and resources that could help you and the individual.

If for some reason you call a victim *before* sending the letter and packet of materials, let the person know that you have written materials about the process which you would like to send her/him. If s/he does want to receive them, check that you have the correct mailing address and mail the materials that day.

Again, be sure to put any new information on victims or affected parties into the Reparative Database at this point.

VI. Preparation/Orientation for the Victim Attending the Board Meeting

You can prepare/orient the victim for the Board meeting by phone or a personal meeting. Please do your best to accommodate the victim's schedule whenever possible, both for orientation to or attendance at the Board meeting. If the victim agrees to attend during the initial phone contact, either continue the conversation to include the following or ask for a good time to meet with her/him or call back with more information.

- 1. Ask for his/her input for a date and time for the Reparative Board meeting within the framework of the regular Board meetings in your area.** The *Standards for the Reparative Probation Program (Appendix E.4, page 127)* states: "A meeting on a case where there is a victim is not held until the victim has been contacted and either agrees to attend, indicates that s/he does not want to attend or *can't be located*.*"
- 2. If you have scheduled the Board meeting for that offender before talking to the victim, and s/he can't come at that time, try to reschedule according to his/her wishes.**
- 3. You might want to send a "reminder postcard" to the victim about a week before the Reparative Board meeting.** (*Appendix C.3, page 110.*)

4. Once the individual chooses to attend the Reparative Board meeting, it is important that s/he knows what to expect, as much as possible. This means knowing details of the meeting process, including the goals and guidelines for the process, who may attend, seating arrangements, how safety issues will be addressed, etc. If you have already gone over the Reparative process in detail during the first contact, summarize it for the victim at this time and ask if s/he has any questions. (*Appendix A.2, page 61.*) Be sure to cover all points, whether by phone or in person.

5. Be specific to your local Board when you discuss the details of the process. Boards and panels do vary around the state.

**Can't be located* means that you haven't found a working phone number, the victims have moved without a forwarding address/phone, after a reasonable effort you haven't been able to reach them, or the packet you sent them came back with no forwarding address. If they don't return your phone call after you've left a message, call one more time, and then leave it at that.

If your local Board has any written 'ground rules' for the meeting, share these. (*See page 45.*)

Remind the victim that one of the most important parts of the reparative process is that s/he will contribute to the development of the Reparative Agreement. Suggest, "In addition to reimbursement of out-of-pocket expenses, you may request that the offender undertake community service (a public service of the victim's choice), perform personal service for you, write a letter of apology (to be sent through the CRSU office for confidentiality reasons), participate in ...programs to improve his/her competence, or complete some other creative assignment." (*Umbreit & Greenwood, op cit., page 11.*) Obviously the victim may not ask for any of these and can come up with others. Interestingly, if the meeting process follows the reparative steps, the victim may even change his/her mind about what s/he wanted the offender to do before the meeting started.

8. Clearly explain to the victim that restitution may not be fully paid within the 90-day Reparative period. Offenders may still owe restitution even though they have completed the Reparative Agreement and Reparative Probation. Only judges can order restitution, and it is often a separate condition of probation. Probation will continue beyond the other Reparative Agreement activities until restitution is complete. (*See pages 14 and 43 and Appendices B.4 and C.7, pages 71 and 114.*)

9. Explain again to the victim s/he is welcome to bring a support person whom s/he trusts to the meeting. If you "prep" the victim in person, and the victim wishes, invite the victim's support person and/or affected party to the same orientation.

10. If the victim doesn't have a support person to bring to the Board meeting, offer: "If possible, we will be happy, to provide someone to come to the meeting with you if you want, for support."

11. Ask every victim who agrees to participate in the Board meeting: "Do you have any concerns about your safety?" Ask the victim how you can reasonably assist to meet safety needs/concerns; e.g., walk to and from car, wait with victim before meeting, sit next to victim at meeting, etc. (*Appendix A.4, page 63*) to keep a list of all agreements you've made with the victim.)

Offer to meet with the victim a few minutes *before* the Reparative Board meeting or arrange for someone to do this. This can increase the level of rapport and trust.

Ask the victim how s/he wants to be addressed during the meeting and put that in your notes, as well as telling the Board beforehand. Some people will use their first name, others may want to be called "Mrs. Jones."

Explain that if the victim completes the *Reparative Questionnaire* (which s/he got in the initial mailed packet, *Appendix C.2, page 108.*), it can help to organize his/her presentation at the meeting. Offer to help the person complete it. Send another copy if s/he doesn't have it.

Offer to reimburse the victim for the cost of transportation to any meeting; (e.g., orientation/preparation, initial, review or closing Board meeting.) Explain that s/he needs to fill out a *Mileage Reimbursement Form*, and it may take time to receive a check. (*Appendix C.9, page 116.*) Offer to help complete this, if needed.

As much as possible keep the same victim contact person - "point person" - throughout the process. Give the victim this phone number or an alternate contact if you aren't available. (*Appendix C.1, page 107.*)

Explain that the Department of Corrections will send a survey to him/her at the end of the process to get his/her input for improving the program and process for other victims. (*Appendix E.6, page 129.*) Each response will be anonymous.

At this point you need to enter further information in the Victim part of the Reparative Database, including case notes. This would include any newly identified affected parties, date of discussion with the victim or any other information for the case. (*Appendix B.9, page 90.*)

**The Initial Reparative Board Meeting
VICTIM DOES PARTICIPATE
*Prior to Initial Meeting***

Each local office will have a process that ensures that the following things are done *prior* to the initial board meeting.

Some are directed to the Board Liaison, some to the Victim

Liaison and some to the Board members themselves. Be sure to learn your site processes.

FOR STAFF BOARD LIAISON/VICTIM LIAISON

Necessary victim information must be communicated to Board members before the actual case, whether the victim is coming to the meeting or not. This must be done with enough time for the Board to read it before the meeting begins and/or the victim or offender comes into the room.

Be sure the completed *Reparative Questionnaire* is in the packets for the Board members. (*Appendix c.2, page 108.*)

If the victim plans to bring the completed *Reparative Questionnaire* to the meeting, call her/him beforehand so you can go over the responses and be prepared for the meeting.

Any special prior arrangements/accommodation made with victims (e.g., to meet him/her in entrance of building, to pay for transportation to the meeting, etc.) should be found in the case file, reviewed and honored. (*Appendix A.4, page 108.*)

Be sure there are two separate waiting areas for victims and offenders and their supporters, if possible.

Greet the victim in the designated waiting area. Again explain the seating arrangements for the meeting, ask if s/he wants any changes in the room, answer any questions and then escort him/her into the meeting room.

Arrange the room appropriately, given victim input. The use of a table may increase the victim's sense of safety. Occasionally, a victim chooses to sit closest to the door or a greater distance from the offender or requests that support persons sit on the other side of the table or circle, thus making them more visible to the victim.

Remind the victim that s/he can ask for a break or end the process at any time. S/he can simply say, "I'd like a break." "I'd like to end."

Respect that the meeting is voluntary for all involved: victims, affected parties, offenders and supporters.

Develop local resources that can be offered to victims at the initial board meeting, at a review or closure meeting, in a separate meeting, or by phone or mail. It is up to the local sites to be sure that victims are aware of resources and rights that might support them. (*Appendix D.1, page 119.*) offers specific resources by county. You could copy these and give them to the victim.)

FOR BOARD MEMBERS

Review all victim information that has been gathered by staff/volunteers prior to the Board meeting. (See Sidebar previous page.) Request it in enough time to be familiar with it before the meeting. It is critical that you are not reading paperwork about the case during the meeting or rushing to get the facts moments before the meeting begins.

During Initial Meeting

GUIDELINES/GROUND RULES

"At the beginning of the (reparative meeting), the (Chair) must discuss the procedural guidelines that shape the process. These guidelines help to establish a safe, structured setting, encourage respectful conversation that acknowledges the concerns of each party, and elicit the strengths of the participants. Each party is assured the opportunity to speak without interruption. The (Chair)...guards the process." (Umbreit & Greenwood, *op cit.*, page 15.)

Procedural guidelines are like ground rules and can apply to Board members as well as the offender and victim. Examples are:

We strongly suggest that each Board/Panel develop a list of consistent ground rules for its meetings, if they are not already in place.

The following behavior is good practice for any case, but it has positive implications when a victim is present:

THE PROCESS

The Chair asks the victim to introduce him/herself. It is then very appropriate to say to her/him: "What was done to you was wrong. I can't know the impact this crime has had on you and your family. Although we know that nothing can undo the experience of being victimized in the way that you have been, we are gathered here to help restore justice to you the best that we can."

"The victim should have the opportunity to choose whether to speak first during the initial (part of the meeting)... or whether to speak last...Often a victim finds it empowering to begin by defining the harm - telling the offender first what was experienced and how it has affected him or her. At times, however, a victim feels 'put on the spot' and requests that the offender speak first, initiating the session and accepting responsibility for the crime." (Umbreit & Greenwood, *op cit.*, p.10)

The victim should be in the room for the entire process and should be included in the development of the Reparative Agreement; i.e., Board members should not ask

the victim to leave the room to discuss the development of the Agreement. (*See Executive Session, p. 48*)

After the Reparative Agreement is signed, invite the victim to make any closing remarks. A Board member should ask, "Is there anything else, 'Jane', you'd like to say before we close?"

While everyone is still there, schedule the next meeting (Review or Closing) at the victim's convenience if the victim wishes to attend. (*See page 53.*)

Any condition in the Reparative Agreement that involves possible victim contact, (e.g., an apology letter should be sent directly to the Board through the CRSU office for approval and then mailed to the victim. The victim's phone number and address should remain absolutely confidential unless s/he agrees to allow the offender to contact him/her directly.

Sometimes Board members may "identify" with the offender, or take the offender's side, which can be very distressing to the victim. Whether this is intentional or not, it is inappropriate in the reparative process. Board members must not blame the victim. Examples of this include when a Board member questions the victim's motives, suggests that the offender committed the offense because of the victim's behavior, or implies that the victim could have prevented the crime. E.g., Board member to victim, about the actual incident: "*Why did you talk to the offender like that?*" "*Why didn't you lock your house?*" "*Should you have left your car parked on the street?*" "*Why don't you just move out of that neighborhood?*" "*It seems to me that you both were at fault.*" Remember that the offender has already admitted his/her guilt and been sentenced by the court. The Board's responsibility is to facilitate the process of the offender taking responsibility for the harm done by the crime and responding to the needs of the victim.

The Reparative Board meetings are subject to Vermont's open meeting

law. (*See Executive Session, page 15.*) Therefore, information presented at the meeting is open to the public. However, there are legitimate reasons to go into "Executive Session" where everyone but the Board members and staff would leave the room and no minutes would be recorded.

Some things that come out about an offender in a Reparative meeting may be confidential by law and/or Department policy. (E.g., previous convictions, previous treatment for mental health issues)

Additionally, discretion may be necessary when discussing certain information.

"Executive Session" can only occur with an affirmative vote by 2/3 of the members present.

What if a victim is afraid to speak when the offender is present? The Board may simply ask the offender to temporarily step out of the room. This is not a reason to go into "Executive Session." More importantly, we encourage the public to hear what the victim has to say.

There may be times when a Reparative Board meeting should be stopped mid-meeting to ensure that no participant is harmed by what is happening in the process. Some scenarios that *might* be appropriate for interrupting the meeting include:

If any participant cannot follow the ground rules for a safe and civil meeting;

If any participant is hostile or threatening;

If the offender refuses to accept responsibility for the offense;

If the offender refuses to agree to reasonable requests by the victim or the Board. (*Appendix B.4, page 71.*)

If a Board member feels that there is good cause to terminate the meeting for the above reasons, s/he should ask the chair to stop the meeting and staff/volunteers should usher the participants to separate waiting areas. The Board Chair should ask members for consensus, then say to participants, "We are very sorry, but we feel that this meeting is counterproductive to the goals of the program. We have decided to end the meeting at this point because – (and briefly state the reason)." Debrief each person privately. It is critical that every participant feels safe leaving the Board meeting. Board members or staff should offer to walk any participant who wishes an escort to her/his car.

If any domestic violence information is revealed (such as a past history of domestic violence by the offender against the victim), stop the Board meeting immediately. (*See pages 18-21.*) The Chair should explain, "I'm very sorry, but we have to stop the process. This program does not handle these cases." Then take the victim to a private room. Ask about and assist with any safety concerns to the extent possible. Offer referrals to the local domestic violence agency(ies). Inquire if s/he would like us to call anyone to escort her/him home. The CSS would then refer the case back to the court as an inappropriate Reparative Probation case.

Often the court will place conditions for the offender on the Probation Order in addition to meeting with the Reparative Board. These usually include an amount of restitution to pay and a number of community work service hours. Without any input from the victim, Board members or offender, these conditions may interfere with a restorative process and collaborative Reparative Agreement in the Board meeting, even though well-intentioned. If the participants of the meeting come up with different conditions, the CSS can file a Modified Probation Order. (*See Definitions, page 15*). Local site staff should also be talking to the criminal justice

system players in their area about this issue in order to create the best opportunity for victim feedback into the Reparative Agreement.

(See Appendix B.4, page 73.)

If the offender is a "no show", the Board should offer to meet with the victim anyway at that time (again, the victim's choice) and go through a process to:

Have the victim tell his/her story.

Have the victim describe the harm done.

Have Board members validate the victim's story and description of harm.

Have Board members say to the victim that this shouldn't have happened to him/her.

Have the Board members express empathy.

Ask the victim if there is anything the Board can do.

Ask if the victim wants to try to reschedule a meeting with the offender

(again, the victim's choice).

C. Right after initial meeting

Be sure to thank the victim for coming.

Escort the victim out for a private debrief with you (Victim Liaison/DOC staff person/Board member).

Ask how the meeting went for her/him. What was her/his experience? (*Checklist, Appendix A.5, page 65.*)

Check in about safety issues; e.g., walk to car with person.

Make referrals to victim services in community, if victim desires.

Explain about the Review and Closing Meetings if that hasn't been done already. Review the dates set during the meeting.

Answer any further questions.

Be sure the victim has a *Mileage Reimbursement Form* if needed. (*Appendix C.9, page 116.*)

Within a week send out the "*Post-Initial Meeting Letter-Victim Participated*" to the victim with the terms of the Reparative Agreement. (*Appendix C.4, page 111.*)

Give the victim a card with the date, time, and location of the next meeting(s).

VICTIM DOES NOT PARTICIPATE

D. Prior to initial meeting

Review any victim information whether you are sharing it with the Board or not.

Make copies of the Reparative Questionnaire if the victim completed and returned it.

Tell the Board that the victim will not be attending the meeting.

Provide the Board with any information the victim offered when contacted and his/her reasons for not attending. The Board should read all materials before the case and look for harm done to the victim to discuss with the offender.

E. During Initial Meeting

If there is no "person" to represent the victim, the Board may want to have an empty chair represent him/her to keep the harm caused present in the discussion. There should be victim *representation* at the meeting, no matter what form it takes.

Ask the offender to describe the harm s/he caused the victim, affected party and community. If the offender does articulate the harm that s/he has caused, the Board should recognize and reinforce that (validate it.)

Be creative in trying to find ways to have the impact of the crime described - a real understanding of the impact of the crime is critical to the process.

The Board must articulate the harm suffered by the victim if the offender cannot or does not. If there is no information about the harm available from the victim, try to convey what the victim might feel and want.

A Board member can take the victim's role in developing the Reparative Agreement to make sure it is restorative. Don't "play act" the role of surrogate. The impact of the crime on the victim must be dealt with seriously.

Tell the offender after the Reparative Agreement is written that the victim will have the final approval of any written materials such as an apology letter to the victim or a letter to be sent to the newspaper. (*See page 47.*)

After Initial Meeting

Within a week send out "*Post-Initial Meeting Letter - No Victim Participation*" to the victim with the terms of the Reparative Agreement and date of next meeting(s). (*Appendix C.5, page 112.*)

viii. Follow up to the Initial Meeting

As previously noted, the Board may require the offender to return at a *review meeting* before the completion of the case, to monitor his/her progress on the Reparative Agreement. Invite the victim to the review meeting – to be scheduled at his/her convenience.

After the Reparative Agreement has been developed and agreed upon at the first Board meeting, follow up with the victim during the next three months of the Reparative Probation period. (This may be longer.) If you have already made contact with the victim, and s/he wants continued communication, this is a time to check on how s/he is feeling about the process, if s/he needs more information or if s/he has any further concerns. CRSU staff/volunteers and Board members share the responsibility for follow up. (*Sample letters in Appendices C.4, C.5, C.6, pages 111, 112, 113.*)

If the victim attended the initial meeting and said s/he does not wish to attend subsequent meetings, but would like to be kept informed, notify the victim by letter of the progress of the offender toward completing the Reparative Agreement. (*Appendix C.6, page 113.*)

If the victim had input into the development of the Reparative Agreement, the Board, staff or victim liaison may not change it at a review or closing meeting without input from the victim, *unless* the victim is unavailable or does not respond to attempts to contact her/him.

CLOSING MEETING

Optimally, there will be a *closing meeting* with the offender before s/he is recommended for satisfactory discharge from Reparative Probation or for violation. This provides a final opportunity for the victim to indicate to what extent the harm has been repaired and how s/he is feeling about the entire process.

A. Prior to Closing Meeting

Schedule the meeting if it hasn't already been done at the initial meeting. (Many Boards automatically schedule the closing meeting for 90 days after the first meeting with the offender.) Be sure to contact the victim to see: (1) if s/he wants to attend (unless s/he already said s/he wasn't interested), and (2) what is convenient for her/his schedule, (3) if s/he wants to give input instead of attending.

Give the victim sufficient advance notice.

Ask the victim (1) for her/his perspective on the progress of the case

and (2) if s/he has any questions or issues (e.g., has had any problems with the offender since the initial meeting.)

Follow up the phone contact with a confirmation letter (*Appendices C.4, C.5 or C.6, pages 111, 112, 113 .*)

Ensure that the Board reviews and "screens" any materials sent to the victim (e.g., apology letter, letter to the newspaper). Board members have the right to reject anything they consider unsuitable or inappropriate. To allow time for this review process, these materials should be expected from the offender within the first 30 days of the 90 day Reparative time period.

Send the victim these written Reparative Agreement materials for his/her approval. If s/he is *unsatisfied* with what the offender has written, the offender should be asked to rewrite it with guidance from the Board about what was unsatisfactory.

(For "corporate" victims, such as chain stores, etc., this may not be necessary.)
Check the case notes and file before the scheduled closing meeting for:
documentation regarding offender completion of Reparative Agreement requirements;

the restitution payment record to determine the amount of money paid and any balance remaining; (The CSS assigned to the case is responsible for this and communicating it to the Victim Liaison or Board Liaison - whoever will be attending the closing meeting.)

any victim comments, questions, issues.

B. During Closing Meeting

1. Victim Present at Meeting

As with any meeting with the victim present, address safety issues, seating arrangements, invitation of support persons, ground rules, mileage, children in attendance, etc. (*See Initial Meeting, page 41.*)

The Board asks the victim how the process has been for her/him, if the impact of the harm has been addressed, if s/he has anything else to say to the offender and Board members, or has further concerns.

If there is a positive outcome of the Agreement, Board members should first acknowledge the victim's participation and thank her/him for her/his role in the process that contributed to the offender completing the Agreement. Then the Board

can offer a "ritual handshake" to the offender, acknowledging his/her effort to repair the harm.

If the offender did not fulfill his/her Reparative Agreement, the Board should say to the victim, "I'm sorry that 'Joe' (*offender*) didn't honor his agreement with you and us. We are disappointed." Then, the Board needs to address the offender. "'Joe', we are going to recommend violation of your probation since you did not uphold your contract with 'Sally' (*the victim*) and us. We hope that you understand how you have affected Sally and the community."

2. Victim Not Present at Meeting

If there is a positive outcome of the Reparative Agreement, point out to the offender the victim's role in contributing to the successful completion, and then go ahead and acknowledge the offender's effort and success (as above).

Note in the meeting minutes to send the victim a Closing Letter acknowledging any part s/he played in the process which contributed to the offender (*Appendix C.7, page 114.*) successfully completing the Agreement; (e.g., offering a victim impact statement.)

If the offender did not complete the Reparative Agreement satisfactorily, represent the victim by expressing regret and disappointment that the offender did not make amends to the victim as promised. Say to the offender, "We're sorry that you did not use this opportunity to repair the harm you caused both 'Sally' (victim) and in this case, your community."

The Board may return the case to the assigned CSS with a recommendation for violation if the probationer fails to complete the Reparative Agreement or refuses to cooperate with the Board. Board members must be able to explain the reasons why they believe the case should be returned to court for a violation. They may be subpoenaed to testify at the hearing. The Department will review all recommendations for violation to insure that the behavior is consistent with practice and legal requirements for violation of probation.

C. After Closing Meeting

Whether the victim chooses to attend the closing meeting or not, mail a final packet to her/him, which includes a thank you letter and a brief summary of the outcome of the case. (*Appendix C.7 or C.8, pages 114, 115.*) This information states whether the offender completed satisfactorily or the Board recommended violation. The letter also explains if restitution is still due to the victim and how to contact the CSS assigned to the case.

Enter the final appropriate information concerning the victim in the Reparative Database as well as the date of termination of the case. This enables victims to

receive a survey about their experience with the program. (*Appendices B.9, E.6, pages 90, 129.*)

Victim Responses to the Program

A number of victims in the past several years who have initially been contacted by the Department about the reparative process returned surveys expressing dissatisfaction. Some of the reasons include:

"Didn't go to a meeting and never heard a word about what happened with the offender."

"The offender still owes me money! How could he have completed this program satisfactorily?"

"I went to the meeting, but the offender hoodwinked the Board. He is still driving drunk."

"I wanted the offender to work for me, but the Board had him do community service somewhere else."

"At the meeting the Board didn't listen to me at all. They concentrated on what the offender needed."

"I don't want to have anything to do with the offender! Why did they send me an apology letter that he didn't mean at all?"

On the other hand, the following victim responses to the survey indicate some of the positive results of contact, offering opportunities for input and participation, and follow up:

"This program is better than folks just suspending the sentence OR lowering the boom on the offender."

"It made me feel good to know that this group of people {Board members} really cared about what happened to me."

"Great experience! Holds offender accountable to a PERSON, not 'the system' for their crime/actions."

"Very satisfied because I got to 'see' the offender, and he got to hear what I had to say."

"It was nice to be offered a chance to deal with the offender and to receive an apology."

"Very satisfied because my personal feelings and perspective were well represented to the offender."

"I believe it helped the offender understand how serious what he did was."

"I was pleased with the way I was kept informed as to the status of the case..."

This variety of victim feedback points to the importance of addressing the issues covered in this manual. In a perfect world, there would be no crime. When it does occur, we have an opportunity to create a space where victims can deal with what has happened to them in a safe and supportive way.

FINAL REMARKS

Thank you for taking the time to review this manual. We hope it will broaden your thinking about how we all might better accommodate the many needs of victims who choose to participate in the Reparative Program, as well as enhance your skills to accomplish this goal. We know that crime victims, so often left out of meaningful participation in the criminal justice system, deeply appreciate the extra mile you travel to meet their needs. We thank you for your continued efforts to make the Reparative Program faithful to its mission of restorative justice.

IX. APPENDICES

APPENDICES UNDER A: CHECKLISTS

The following checklists should help to keep track of the steps and information-sharing for locating, contacting, orienting, preparing, supporting and following up with victims throughout the reparative process. All of the information in the checklists is covered in the manual - it is simply put in a list as a reminder to cover each issue. As you use these, if you find anything inconsistent between the manual itself and the checklists, please let Sherry Burnette know.

Victim Contact – page 60

Victim Orientation - page 61

3. Victim Preparation for Board Meeting - page 62

**4. Special Considerations if Victim is Attending Meeting
– page 63**

5. Follow up to Initial Meeting - page 65

Victim Contact Checklist

Hard copy

Appendix A.2 (*Referenced on pages 33 & 34.*)

VICTIM ORIENTATION CHECKLIST

Orientation begins with the first letter and materials you send to the victim/affected party. At each step of the process of contacting the victim, whether it is by mail, phone or in person, you are providing more information about the reparative process, including the Reparative Board meeting.

Be sure to cover the following during the first phone or personal contact in order to help her/him make choices about participation:

Reparative Probation Program and Process Overview (*see brochure*)

Invitation to Participate

Safety Issues (where relevant) - How are they addressed?

Their Choices for Participation - See p. 31

Victim Liaison Name and Phone # (*or whoever the contact will be throughout the process. This is also in the initial letter.*)

CSS Name and Phone # (*in case the Victim Liaison isn't available. This is also in the initial letter.*)

Risks and Benefits of Participation in the Reparative Process

See p. 35.

For more details, see the Phone Script (see Appendix B.5, page 74.)

Appendix A.3 *(Referenced on page 41.)*

VICTIM PREPARATION FOR BOARD MEETING

Offer to meet with the victim in person or prep them over the phone, whichever they choose. See page 41.

Review goals and process for Reparative Program *(as described in Reparative Brochure)* if needed.

Share schedule & location of all Board meetings in area.

Explain a "Public Meeting" and "Executive Session" and who attends - What does that mean for the Victim? *(See page 15.)*

Go over Ground Rules/Procedural Guidelines *(See page 45.)*

Explain usual seating arrangement of the meeting *(See pages 41 & 44.)*

Remind victim that Restitution may take more than 90 days.

Review reimbursement of expenses for victim to attend *(See page 43.)*

Describe victim survey sent when offender terminates *(See page 43 & 129.)*

Describe process if offender fails to show up for meeting *(See pages 50 & 73.)*

APPENDIX A.4 *(Referenced on pages 37 & 44.)*

SPECIAL CONSIDERATIONS IF VICTIM IS ATTENDING MEETING

(TO REVIEW PRIOR TO REPARATIVE BOARD MEETING)

Offender and Docket #: Name of Victim Liaison:

Date & Time of Scheduled Bd Meeting: Location of Board Meeting:

INITIAL MEETING

REVIEW MEETING

CLOSING MEETING

Victim's Name, Address &

Phone: _____

Surrogate's Name, Address &

Phone: _____

Name of staff/volunteer serving in support role for meeting: _____

4. Name of DOC Board

Liaison: _____

(CHECK OFF what is applicable/what victim agreed to.)

Meet victim in parking lot and escort to meeting. What time?

Meet victim in waiting room or entrance of building. What time?

Bring completed Reparative Questionnaire filled out by the victim and prompt victim, if appropriate. (If staff have completed questionnaire.)

Victim is bringing the following support persons with him/her:

Name, Address &

Phone: _____

Name, Address &

Phone: _____

(In case they need to be called if meeting changes or is cancelled.)

Support person(s) have been contacted (mail and/or phone) to be oriented to the process.

Victim preference for seating.

Victim is bringing children; any special arrangements?

Victim will need reimbursement for travel. Bring mileage form to meeting.

Victim has disability. Provide for interpreter, wheelchair access to room, table, other, etc.

Victim needs a foreign language interpreter. What language?

How does victim want to be addressed by Board and offender? (E.g., "Mrs.," "Joan," etc.)

OTHER

_____ If the victim is not coming to the meeting, please check on the following before the Reparative Board meeting:

Surrogate is coming.

Have surrogate's phone number.

Staff have letter from victim describing the impact.

Have Reparative Questionnaire filled out by victim.

Have information on impact of crime or Reparative Questionnaire information given by phone to Victim Liaison.

Other

APPENDIX A.5 (Referenced on pages 48-52)

FOLLOW UP TO INITIAL MEETING CHECKLIST

Victim is invited to any meetings after the initial board meeting, if victim wishes to be informed - at victim's convenience if possible.

Board reviews the offender's written assignments within 30 days after the initial hearing.

Board approves offender's written apology or other material going to victim as appropriate, then sends to victim for approval.

Board reviews all of the Reparative Agreement requirements by the time of the closing meeting. Approves or rejects each with input from victim if s/he was part of developing Agreement.

Staff checks restitution payment record to determine status of payments. Reports to Reparative Board.

IF VICTIM DOES NOT ATTEND SUBSEQUENT MEETINGS

Share a summary of all *review and closing* meetings with victim.

Check with victim about feelings, any problems with offender, questions or concerns, and report to Board and staff.

Share offender's written assignments (relating to victim) with victim, if desired.

Before staff submits paperwork to close the Reparative case (termination, whether successful or unsuccessful), contact victim to share the results of the case. Phone victim, if possible, but be sure to mail written "summary" packet with letter (See Appendices C.7 & C.8 for sample letters.)

IF VICTIM DOES ATTEND SUBSEQUENT MEETINGS

All follow best practice for victim attendance at meeting.

Board checks with victim about feelings, any problems with offender, any questions or concerns

APPENDICES UNDER B: OTHER WORK AIDS

The following variety of helpful documents may be used once to get a sense of the flow of the processes, or regularly as you work with victims and within the structure of Corrections. It is important to read through all of these, however, so that you know what resources are here.

CRSU Reparative Probation Flow Chart – page 68

Victim Contact Flow Chart – page 69

Reparative Probation Brochure for Victims – page 70

Frequently Asked Questions by Victims – page 71

Sample Phone Script for Calling Victim – page 74

Possible Benefits and Risks of Participation in the Program – page 81

Local Resources for Victim Liaison – page 82

Abbreviations and Severity of Vermont Offenses – page 84

Entering Victim/Affected Party Data in the Reparative Database –page 90

Using the PROBER Database – page 91

Victim Needs – page 92

Assisting Culturally Diverse Individuals – page 94

Assisting Individuals with Disabilities – page 97

Common Crimes Found in the Context of Domestic Violence – page 104

APPENDIX B.1

REPARATIVE FLOW CHART

APPENDIX B.2

VICTIM CONTACT FLOW CHART

APPENDIX B.3 *(Referenced on page 34.)*

REPARATIVE PROBATION BROCHURE FOR VICTIMS

(See two samples attached)

APPENDIX B.4 *(Referenced on pages 36, 49 & 50.)*

FREQUENTLY ASKED QUESTIONS BY VICTIM

Q. What if the board members don't agree with what I want the offender to do?

A. Discussion follows any difference of opinion, with the goal of coming to a collaborative agreement. One main purpose of the meeting is to discuss the harm this offender's crime has caused you and others. Then, everyone has a chance to say how s/he thinks this harm can be repaired. There is respect for all ideas, as long as they are not vindictive and address the repair of the harm. The Reparative Agreement also has to be able to be accomplished within the three month time frame of Reparative Probation. If an agreement can't be reached, the Board can ask to meet with you without the offender present.

Q. What if the offender doesn't agree with what I want him/her to do?

A. Before the meeting is scheduled, Corrections staff tell the offender s/he will be expected to acknowledge the harm done and think of ways s/he can repair it. If your requests are reasonable and address the harm done to you, the Board will support you. If the offender absolutely refuses, with your input the case goes back to the Probation officer with a recommendation for violation of probation.

Q. What if the offender starts yelling at me during the meeting, or threatens me?

If an offender starts yelling, community panel members and/or staff would immediately ask him/her to quiet down and act respectfully toward you, reminding him/her of the ground rules of the meeting. If the offender continues to yell or threaten you, s/he would be removed from the meeting immediately, and would be in violation of his/her Reparative Probation. The panel members would remain with you and talk to you until you felt safe and wished to leave. Someone could escort you to your car, give you a ride home or provide a phone for you to call someone. You are encouraged to bring a friend(s)/family member(s) with you to the meeting.

Q. What if I don't drive or can't get to the meeting?

Corrections will arrange for someone to pick you up, or you are welcome to bring someone to the meeting who might be able to drive you. We can also reimburse you for mileage.

Q. What if my boss won't let me take time off?

We can call your boss, with your permission, and explain the purpose of the meeting and how the process works. If necessary, we could arrange the meeting time when you aren't working.

Q. What if I get there and I'm afraid to be in the room with the offender?

You don't have to be in the room with the offender to tell your story and ask for the harm to be repaired. You may talk to Board members alone or talk to one person in another room. What you say will be noted and reported to the Board. If you wish, you may just go home. You could also sit in the meeting with several people you trusted sitting beside you. You can tell the offender you are frightened of him/her. That can have a huge impact on him/her.

Q. Can my children come to the meeting?

No, we feel the meeting should be for adults only. Unfortunately, we do not have a childcare program. If you need to bring your child(ren) please bring a friend/relative to stay with them while you are in the meeting, which may last as long as an hour. We will try to provide a separate space for them to wait. As with all kids, it might make it easier if your bring a snack and some activity to keep them busy, especially if they are young.

Q. Are you on the offender's side?

No, we don't take sides. We want the offender to understand the impact this crime has had on you. We are here to help you find ways to feel your needs are met. We are also here to support the offender's return to the community with skills and attitudes so that s/he doesn't reoffend.

Q. What can victims do if the offender doesn't complete restitution payments?

During this period, if payments stop or are late, speak with the probation officer (CSS) responsible for the case. Speak with the Victims' Advocate as well. (Be sure the victim has both these phone #s.) Remember, persons can have finished with the Reparative Board and not completed their restitution payments.

However, if the probationer does not complete restitution by the time s/he completes the other reparative contract activities, s/he will remain on probation until restitution is paid.

10. Q. Can I meet with the Reparative Board without the offender present?

A. Ideally, both of you should be at the meeting for a couple of reasons. We think it is important that the offender hear directly from you how you were affected by his/her behavior. Also, you can both agree on what the offender will do to try to make amends for the harm s/he caused. Sometimes, hearing what the offender has to say is beneficial for a victim.

However, in some circumstances it might be all right for you to meet with the Board alone.

1. Obviously, if the offender doesn't show up for the meeting, and you are there, the Board would go ahead and meet with you.

2. If your schedule and the offender's schedule just don't work out for the same time, you could see the Board alone.

3. If a meeting 'breaks down' and the offender is asked to leave for not respecting you or the process, you could remain and meet with the Board.

4. If you were afraid to be there with the offender present, the Board would meet with you alone.

Staff would try to work out any of these difficulties, but you do have a right to see the Board without the offender present.

APPENDIX B.5 *(Referenced on pages 29, 33 & 37.)*

SAMPLE PHONE SCRIPT FOR CALLING VICTIMS

Initial Phone Call - Victim Contact Script

The following "script" can be used to help with initial phone calls. You will probably develop your own style but remember to cover these points. The left hand column carries the dialogue while the right hand column gives you hints or additions to use. You may want to use the right hand column for your own notes.

I. Introduction

"Hello, is this *name*? This is *your name*. I'm a volunteer with the Department of Corrections Reparative Probation Program, and I understand that you were affected by *name the crime committed by name the offender Name*

the offender has been sentenced to the name the town Reparative Board. I'd like to explain a little more about Reparative Probation. Do you have a few minutes to talk now or is there a better time when we could talk or get together?"

A. "Do you have any questions about the Reparative letter and brochure I sent you about a week ago?"

B. "I'd like to ask you about the case. Maybe you could just tell me what happened and how you've been affected?"

II. Invitation to Reparative Meeting

"Name the offender will be appearing before the name the town Reparative Board soon. When s/he meets with the Reparative Board an agreement will be developed that addresses how s/he can:

-Learn about the impact this crime on you and others.

-Make amends to you and others.

-Make amends for the harm done to the community.

-Learn ways not to re-offend in the future."

If you were at the meeting, you could contribute to what the offender must do to make amends. Of course, this is always voluntary and you could bring a friend or family member for support. Would you be willing to go to the Board meeting at the same time as name the offender?

Right now, the meeting is scheduled with name the offender on date and time of meeting. place. Could you meet at that time? "

III. Possible responses

A. "YES" =>

Do you need directions? yes/no

Do you need a ride? yes/no

Do you have any 'special needs' we should know about? yes/no

Will you be bringing a friend or Supporter? yes/no

Would you like me or someone else from the program to go with you? yes/no

Do you need to bring your children? yes/no

B. If "NO" this is not a good time for them, check to see if:

- another time at the same panel will work for them;
- a different local panel that has a different day will work;
- a group conference or mediation is appropriate.

C. Once it is agreed that they are coming:

"I'm glad you're coming. Do you have any safety concerns right now?"

"We are all concerned that you feel safe coming to the meeting. Once you get to the meeting, you will be asked if the seating set up is OK for you. Normally the room is set up describe. Please say what feels safe to you, and any time you don't feel like continuing, let the board know."

"The Board will ask you how you were affected and what amends you would like for the harm done to you. They will also be asking some the

offender to take responsibility for the crime by asking him/her who else was affected and how amends can be made to you and the community."

"Finally, the Board, you, and name the offender will collectively put together an agreement that lists the things the offender agrees to do to repair the harm s/he has done to you and the community. The offender has 90 days to complete the agreement. If there is a large amount of restitution, that part of the case will probably take longer. I can't promise any specific results, but most of the time the reparative process works pretty well."

"Board members that night will be name the board members. They are all volunteers. There will also be a Corrections staff person at the meeting. This meeting is open to the public, so what you say will not be confidential."

"After this first meeting, name the offender may return to the Board about once or twice until the agreement is finished. We will be inviting you to those meetings and will let you know what happens."

"Would you like to meet before the meeting and talk about what happens, or would you like me to just call you and confirm that you will be coming?"

"Is there any way I can help you now or do you have questions? Can I help you prepare for the meeting in any other way?"

2. If they indicate "**MAYBE**"

"Can you tell me the reasons you are hesitant?"

A. Time is wrong; fear of retaliation, work interferes.

B. Transportation is a problem.

C. *Don't care, Case too long ago and want to forget, Doesn't make any difference.*

D. "Would you like to go over some of the possible benefits and risks of coming to the meeting?"

If the person changes their mind about participating, go back to #1

3. If they indicate a definite "NO" =>

"Well, name the person, thank you for your time.

- I wonder if there's anything you would like me to share with the Board.
- Would you like to send someone to speak for you? A letter? A tape?
- How about sending back the Reparative Questionnaire filled out and allowing **us to** share it with the Board?
- If you change your mind you can call me at this number." _____ (Give phone #s and the best time to reach you.)

IV. Closing

"I'll be keeping you informed about the case as it moves along. Would you mind if I called and let you know what's happening? Or would a letter be better? When the case is completed, I'll be letting you know who the offender's name caseworker is, and the Department will be sending you a survey form and some additional information for crime victims.

"Use name, thank you very much for sharing your time with me. Goodbye."

APPENDIX B.6 *(Referenced on page34.)*

POSSIBLE BENEFITS AND RISKS OF PARTICIPATION IN THE PROGRAM

Possible Benefits

You will be able to meet the offender in a safe atmosphere.

You may receive information from the offender about the crime and his/her intentions at the time. (You may have your unanswered questions answered.)

- You may find support and resources from Corrections' staff and community Board members that will be helpful to you.**
- You may hear the offender say s/he understands for the first time what harm his/her crime caused you.**
- You may hear the offender sincerely acknowledge the harm s/he has caused you.**
- You may hear the offender sincerely apologize to you.**
- The offender may be more likely to pay all of the restitution and in a timely fashion.**
- You may see the offender as a person you don't have to fear in the future.**
- Community Board members will assure that you get a chance to say what you want to say.**
- Board members will acknowledge the harm and its impact on you.**
- Board members will help to put together a Reparative Agreement for the offender that includes your needs and wishes.**

Possible Risks

- The offender may not understand or acknowledge the harm s/he has caused you.**
- The offender may not apologize to you.**
- The offender may not pay all of the restitution you want, or in a timely fashion.**
- The Board members may not fully understand or acknowledge the harm you feel has been caused by the offender's actions.**

- The offender may not show up at all for the Reparative Board meeting.

The offender may not fulfill the Reparative Agreement everyone has put together.

The reparative process may not meet all of the needs you have after this crime.

- You may feel that the offender is "getting off too easy".

- You may want to punish the offender, which is not one of the goals of the reparative process.

- The offender may not be sufficiently remorseful about the harm done.

- The Reparative Board members may have to meet with the offender without you due to scheduling conflicts.

APPENDIX B.7 (Referenced on page 26.)

LOCAL RESOURCES FOR VICTIM LIAISON

You may find the following format useful to put together your local resources. Use the Fall 2000 Vermont Victim Services Resource Directory, available in your CRSU office.

(addresses, phone #s, email)

Court & Reparative Services

Unit: _____

(See next page for all staff and their contact information.)

Reparative Probation Board

Coordinator: _____

Site Victim

Liaison: _____

State's Attorney's

Office: _____

Victim Advocate's Office: _____

Local Police Department(s): _____

Department of Corrections Director of Victim Services: _____

Community Justice Center (if one): _____

VT Rideshare and Public Transit Line: (800) 685-7433

* You could add a page here on local Reparative Board guidelines; e.g., their ground rules, or whatever might be specific to the Board the offender is seeing. Also add a page with the Reparative Board's schedule in your area.

(Still B.7)

Court & Reparative Service Unit Information Page

APPENDIX B.8

ABBREVIATIONS FOR COMMON OFFENSES

Abbreviation	Name of Offense	Type
AARS	ACCESSORY - ARSON	Felony
AASR	ACCESS ASSAULT & ROBBERY	F
AASTROB	AIDING ASSAULT & ROBBERY	F
ABE	ACCESSORY TO BREAKING & ENTERING	F
ABURGOC	ATTEMPTED BURGLARY-OCCUPIED	F
ABURGUN	ATTEMPTED BURGLARY-UNOCCUPIED	F
AC2ANIM	AGGRAVATED CRUELTY TO ANIMALS	F
ACBURGO	ACCESSORY TO BURGLARY-OCCUPIED	F

ACBURGU	ACCESSORY TO BURGLARY-UNOCCUPIED.	F
ACCSPF	ACCESSORY TO CONCEALING STOLEN PROPERTY-F	F
ACCSPM	ACCESSORY TO CONCEALING STOLEN PROPERTY-M	Misdemeanor
ACF	AIDING IN THE COMMISSION OF FELONY	F
ACSPF	AIDING IN THE CONCEALING OF STOLEN PROPERTY-F	F
ACSPM	AIDING IN THE CONCEALING OF STOLEN PROPERTY-M	M
ADA	ABUSE OF DISABLED ADULT	F
AGAR	AGGRAVATED ASSAULT & ROBBERY	F
AGGAS	AGGRAVATED ASSAULT	F
AGGDA1	AGGRAVATED DOMESTIC ASSAULT 1	F
AGGDA2	AGGRAVATED DOMESTIC ASSAULT 2	F
AGL	AIDING IN GRAND LARCENY	F
AGSEXA	AGGRAVATED SEXUAL ASSAULT	F
AIDESC	AIDING IN ESCAPE	F
AIDMUR1	AIDING IN MURDER1	F
AIDPROC	AIDING IN PROCURING	F
APRD	ACCESSORY POSSESSION REGULATED DRUG-F	F
AR	ARMED ROBBERY	F
AROB	ACCESSORY TO ROBBERY	F
ARS1	ARSON- 1ST DEGREE	F
ARS2	ARSON - 2 ND DEGREE	F
ARS3	ARSON - 3 RD DEGREE	F
ARS4	ARSON - 4 TH DEGREE	M
ARSD	ARSON WITH DEATH RESULTING	F
ASSLE1	ASSAULT LAW ENFORCEMENT OFFICER 1ST	M
ASSLE2	ASSAULT LAW ENFORCEMENT OFFICER 2ND	F
ASSROB	ASSAULT & ROBBERY	F
ASSROBI	ASSAULT & ROBBERY WITH INJURY	F
ASSROBW	ASSAULT & ROBBERY W/ WEAPON	F
ATAGGAS	ATTEMPTED AGGRAVATED ASSAULT	F
ATAR	ATTEMPTED ARMED ROBBERY	F
ATARS	ATTEMPTED ARSON	F
ATASROB	ATTEMPTED ASSAULT & ROBBERY	F
ATE	ATTEMPTING TO ELUDE	M
ATED	ATTEMPTING TO ELUDE (DEATH RESULTING)	F
ATESC	ATTEMPTED ESCAPE	F
ATFP	ATTEMPTED FALSE PRETENSE	M
ATFT	ATTEMPTED FALSE TOKEN	F
ATGL	ATTEMPTED GRAND LARCENY	F
ATKID	ATTEMPTED KIDNAPPING	F
ATM	ATTEMPTED MANSLAUGHTER	F
ATMUR	ATTEMPTED MURDER	F

ATPL	ATTEMPTED PETTY LARCENY	M
ATRAPE	ATTEMPTED RAPE	F
ATRF	ATTEMPTED RETAIL THEFT-F	F
ATROB	ATTEMPTED ROBBERY	F
ATRMT	ATTEMPTED RETAIL THEFT-M	M
ATSA	ATTEMPTED SIMPLE ASSAULT	M
ATSEXA	ATTEMPTED SEXUAL ASSAULT	F
ATUTM	ATTEMPTED UNLAWFUL TRESPASS	M
BC	BAD CHECK	M
BGV	BIG GAME VIOLATION	M
BRIBEF	BRIBING PUBLIC OFFICIAL - F	F
BRIBEM	BRIBING PUBLIC OFFICIAL - M	M
BURGOC	BURGLARY - OCCUPIED	F
BURGUN	BURGLARY - UNOCCUPIED	F
BWI	BOATING WHILE INTOXICATED	M
CC	CRIMINAL CONTEMPT	M
CDW	CARRY DANGEROUS/DEADLY WEAPON	F
CJD	CONTRIBUTING TO JUVENILE DELINQUENCY	M
CN	CARELESS & NEGLIGENT DRIVING-M	M
CNF	CARELESS & NEGLIGENT (DEATH RESULTING)	F
CNI	CARELESS & NEGLIGENT W/INJURY	F
CNTFT	COUNTERFEIT	F
CONT	CONTEMPT OF COURT	M
CRFRAUD	CREDIT CARD FRAUD	M
CRSP	CONSPIRACY-RECEIVE STOLEN PROP	F
CSPF	CONCEALMENT OF STOLEN PROPERTY-F	F
CSPM	CONCEALMENT OF STOLEN PROPERTY-M	M
CTA	CRUELTY TO ANIMALS	M
CTC	CRUELTY TO CHILDREN	M
CULTMF	CULTIVATING MARIJUANA-F	F
CULTMM	CULTIVATING MARIJUANA-M	M
CUSTINF	CUSTODIAL INTERFERENCE-F	F
DA	DOMESTIC ASSAULT	M
DC	DISORDERLY CONDUCT	M
DE	DRIVING TO ENDANGER	M
DEFINAR	BURNING TO DEFRAUD INSURANCE	F
DELHER	DELIVERY OF HEROIN-F	F
DESGM	DESTRUCTION GRAVE MARKERS	F
DIM	DISSEMINATE INDECENT MATERIAL	M
DLS	DRIVING LICENSE SUSPENDED	M
DLS2	DRIVING LICENSE SUSPENDED-2ND	M
DLS3	DRIVING LICENSE SUSPENDED-3RD	M

DLS4	DRIVING LICENSE SUSPENDED-4TH	M
DLS5	DRIVING LICENSE SUSPENDED-5TH	M
DLS5+	DRIVING LICENSE SUSPENDED- 5+	M
DPHONE	DISTURB PEACE BY PHONE	M
DRDF	DISPENSING REGULATED DRUG -F	F
DRDM	DISPENSING REGULATED DRUG -M	M
DUI	DRIVING UNDER INFLUENCE	M
DUI2	DRIVING UNDER INFLUENCE-2ND	M
DUI3	DRIVING UNDER INFLUENCE-3RD	F
DUI4	DRIVING UNDER INFLUENCE-4TH	F
DUI5	DRIVING UNDER INFLUENCE-5TH	F
DUI5+	DRIVING UNDER INFLUENCE- 5+	F
DUID	DRIVING UNDER INFLUENCE-DEATH	F
DUIINJ	DRIVING UNDER INFLUENCE-INJURY	F
DUIR	DRIVING UNDER INFLUENCE-REFUSAL	M
EABUSE	ELDER ABUSE	M
ECMBD	ENABLE MALT BEVERAGE <21-DEATH	F
ECMBI	ENABLE MALT BEVERAGE <21-INJURY	F
ELDEXP	ELDER EXPLOITATION	M
EMB	EMBEZZLEMENT	F
ESC	ESCAPE OR WALKAWAY - F	F
ESCOF	ESCAPE FROM OFFICER - F	F
ESCOM	ESCAPE FROM OFFICER - M	M
ET	EXTORTION AND THREATS	F
EXPW/IN	EXPLOSIVES W/INJURIES	F
FAF	FALSE ALARM - INJURY OR FATAL	F
FAM	FALSE ALARM	M
FCC	FORGED CREDIT CARDS	F
FED	UNSPECIFIED FEDERAL CHARGES	F
FELMUR	FELONY MURDER	F
FGV	FISH AND GAME VIOLATION	M
FIPO	FALSE INFO TO POLICE OFFICER	M
FMB	FURNISHING MALT BEVERAGE	M
FOINS	FORGED INSTRUMENT	F
FORG	FORGERY	F
FORPRE	FORGED PRESCRIPTION	F
FP	FALSE PRETENSES	F
FPERS	FALSE PERSONATING	M
FPPO	FALSE PERSONATING POLICE OFFICER	M
FRAUD	FRAUD	F
FS	FALSE SCRIPT	F
FT	FALSE TOKEN	F

FTA	FAILURE TO APPEAR	M
FUGF	FUGITIVE FROM JUSTICE-F	F
FUGM	FUGITIVE FROM JUSTICE-M	M
GL	GRAND LARCENY	F
GNEGOP	GROSSLY NEGLIGENT OPERATION	M
GNEGOP2	GROSS NEGLIGENT OPERATION, 2ND	F
GNEGOPD	GROSS NEG. OPERATION, DEATH	F
GNEGOP1	GROSS NEG. OPERATION, INJURY	F
HAB	HABITUAL OFFENDER	F
HARB	HARBORING A FUGITIVE	F
HATEF	HATE CRIME - FELONY	F
HATEM	HATE CRIME - MISDEMEANOR	M
HAZARD	RECKLESS DISPOSAL HAZARDOUS WA	F
HINDER	HINDERING ARREST	M
HOAX	PLACING A HOAX DEVICE	F
IFRAUD	INSURANCE FRAUD-F	F
ILLENT	ILLEGAL ENTRY	F
IMPERPO	IMPERSONATION POLICE OFFICER	M
IMPOF	IMPEDING A PUBLIC OFFICER	F
INCEST	INCEST	F
ITF	INCITING TO COMMIT FELONY	F
KICK-F	KICKBACKS-F	F
KICK-M	KICKBACKS-M	M
KID	KIDNAPPING OR FORCEFUL CONFINEMENT	F
LAF	LEWD ACT - FELONY	F
LAM	LEWD ACT - MISDEMEANOR	M
LFP	LARCENY FROM PERSON	F
LITTER	LITTERING-M	M
LL	LEWD & LASCIVIOUS BEHAVIOR	F
LLC	LEWD & LASCIVIOUS W/ CHILD	F
LLM	LEWD & LASCIVIOUS W/ MINOR	F
LSAF	LEAVING SCENE ACCIDENT - FATAL	F
LSAI	LEAVING SCENE ACCIDENT-INJURY	F
LSAM	LEAVING SCENE OF ACCIDENT-M	M
MANS	MANSLAUGHTER	F
MPL	MINOR PROCURING LIQUOR	M
MUR	MURDER	F
MUR1	FIRST DEGREE MURDER (PREMED)	F
MUR2	MURDER - 2ND DEGREE	F
NA	OFFENSE NOT AVAILABLE	
NA-H	OFFENSE NA / HIGH SEVERITY	F
NA-H+	OFFENSE NA / HIGHEST SEVERITY	F

NA-L	OFFENSE NA / LOW SEVERITY	M
NA-LM	OFFENSE NA / LOW-MOD SEVERITY	M
NA-M	OFFENSE NA / MOD SEVERITY	M
NEGOP	NEGLIGENT OPERATION, 1ST	M
NEGOP2	NEGLIGENT OPERATION, 2 ND	M
OBSCEN	DISPLAY OBSCENE MATERIAL TO MINOR	M
OJ	OBSTRUCTION OF JUSTICE	F
OOO	OPERATING VEHICLE W/O CONSENT	M
OPENC	OPEN CONTAINER	M
PAF	PROHIBITED ACTS - F	F
PAM	PROHIBITED ACTS - M	M
PBK	POSSESS BRASS KNUCKLES	F
PBT	POSSESSION OF BURGLAR TOOLS	F
PDF	PRESCRIPTION DRUG FRAUD	F
PDW	POSSESSION DEADLY WEAPON	F
PDWF	POSSESSION OF A DEADLY WEAPON DURING FELONY	F
PDWS	POSSESSION OF A DANGEROUS WEAPON/SCHOOL	M
PERJ	PERJURY OR FALSE SWEARING	F
PFWORKS	POSSESSION OF FIREWORKS	M
PIM	POSSESSION PASSING ILLICIT MONEY	F
PIS	POSSESSION OF A REGULATED DRUG W/ INTENT TO SELL	F
PL	PETTY LARCENY	M
PM	POSSESSION OF MARIJUANA	M
PMB	POSSESSION OF MALT BEVERAGES	M
PMF	POSSESSION MARIJUANA - F	F
PRDF	POSSESSION REGULATED DRUG -F	F
PRDM	POSSESSION REGULATED DRUG -M	M
PRMD	PASS REGULATED DRUG TO MINOR	F
PROFF	PROPERTY OFF \$1000 - \$100,000	F
PROPM	PROPERTY OFFENSE <\$1000	M
PROST1	PROSTITUTION - 1ST	M
PROST2	PROSTITUTION - 2ND	F
PSHERF	POSSESSION OF HEROIN-F	F
PSHERM	POSSESSION OF HEROIN-M	M
PSPF	POSSESSION STOLEN PROPERTY -F	F
PSPM	POSSESSION STOLEN PROPERTY -M	M
RAPE	RAPE	F
RD	RECKLESS DRIVING	M
RDB	REMOVAL DEAD BODY	F
RE	RECKLESS ENDANGERMENT	M
RESIST	RESISTING ARREST	M
ROB	ROBBERY	F

RSPF	RECEIVING STOLEN PROPERTY - F	F
RSPM	RECEIVING STOLEN PROPERTY - M	M
RTF	RETAIL THEFT- F	F
RTM	RETAIL THEFT- M	M
SA	SIMPLE ASSAULT	M
SEXAS	SEXUAL ASSAULT	F
SEXASC	SEXUAL ASSAULT ON CHILD	F
SEXASM	SEXUAL ASSAULT ON MINOR	F
SEXCHLD	SEXUAL EXPLOITATION OF CHILD	F
SHEROIN	SALE OF HEROIN	F
SMF	SALE/DELIVERY OF MARIJUANA-F	F
SMM	SALE OF MARIJUANA-M	M
SOF	SALE OF FIREARMS	F
SRDF	SALE/DELIVERY/DISPENSE REGULATED DRUG-F	F
SRDM	SALE OF REGULATED DRUG-M	M
SSP	SELLING STOLEN PROPERTY-F	F
STALKF	AGGRAVATED STALKING-F	F
STALKM	STALKING -M	M
SWI	SNOWMOBILING WHILE INTOXICATED	M
TDIM	TAKING DEER ILLEGAL MEANS	M
TOSF	THEFT OF SERVICE >\$500	M
TOSM	THEFT OF SERVICE <\$500	M
TRP	THEFT OF RETAIL PROPERTY-F	F
UCISP	USE CHILD IN SEXUAL PERFORMANCE	F
UMF	UNLAWFUL MISCHIEF - F	F
UMM	UNLAWFUL MISCHIEF -M	M
UP	UNLAWFUL PROCUREMENT	F
UR	UNNECESSARY RESTRAINT	M
UR1	UNLAWFUL RESTRAINT 1ST DEGREE	F
UR2	UNLAWFUL RESTRAINT 2ND DEGREE	F
USEXP	POSSESSION OR USE OF EXPLOSIVE	F
UTF	UNLAWFUL TRESPASS - F	F
UTM	UNLAWFUL TRESPASS- M	M
UTTFI	UTTERING FORGED INSTRUMENT	F
VAPOF	VIOLATING ABUSE PREVENTION ORDER	F
VAPOM	VIOLATING ABUSE PREVENTION ORDER	M
VCON	VIOLATION CONDITIONS OF RELEASE	M
VIROF	VIOLATING RESTRAINING ORDER	F
VIROM	VIOLATING RESTRAINING ORDER	M
VLRF	VIOLATION LAW OF ROAD (FATAL)	F
VMANS	VOLUNTARY MANSLAUGHTER	F
WASTEF	RECKLESS DISPOSAL SOLID WASTE	F

WASTEM	WASTE MGMT VIOLATION	M
WFF	WELFARE FRAUD - F	F
WFM	WELFARE FRAUD - M	M

APPENDIX B.9 *(Referenced on pages 29, 43 & 56.)*

ENTERING VICTIM/AFFECTED PARTY DATA IN REPARATIVE DATABASE

An important responsibility (and sometimes neglected due to work load or lack of training) of the volunteer/staff person working with victims and affected parties in a Reparative case is documentation. For each case, offender data is entered in the *Reparative Database*, and there are also fields for victim(s)/affected party(ies).

Whoever is entering this data must:

understand why the data is needed;

know how to enter it properly; and

do it in a timely manner.

Central Office can train you, a knowledgeable local staff person can train you, or you can get instructions from the DOC Web page. The Reparative Database Manual, which explains data entry completely, is available by going to *Information Technology, Manuals*, and then *Much larger manual for Reparative Board* (a funny name, but there's a reason!). *(See attached.)* One important reminder: if you do not know the victim's full name or address, put UNKNOWN in the appropriate field. Otherwise, we contact the CRSU office to complete this, not knowing someone has already tried.

We use this information for assessments and evaluation, as well as getting feedback from affected parties. It is important to have accurate, high quality data. Be sure to check with your supervisor to identify who will be responsible for entering this data and to ask questions if you run into any issues.

APPENDIX B.10 *(Referenced on page 25.)*

USING THE PROBER DATABASE

Prober is the database that contains all offender information and access to the Reparative database. The database may be accessed in two ways: (1) through the DOC intranet home page or (2) through the "database server" icon. The intranet page is often the easiest way to look up offender information, including to whom the

case is assigned. Case notes are best entered through the Department's internal page. However, there is no ability to enter data from the web page at this time.

The Probation and Parole database connects to the reparative portion of the database through "offenses" on the initial screen. The Reparative database is where information about the victim and the offender's reparative program is contained.

APPENDIX B.11 *(Referenced on page40.)*

VICTIM NEEDS

Below are a number of critical needs victims may have when they deal with criminal justice professionals. The list may be helpful to review as you speak with victims to make sure you are meeting these common needs during your interactions around participating in a Reparative Board Meeting.

VICTIMS' NEEDS

(Adopted from the National Organization of Victim Assistance)

Safety and Security

Emergency Services Protection

Safety against intimidation and threats

Confidentiality

Privacy Issues

Critical Information

Reassurance

Ventilation and Validation

Allows victims to express emotion and have feelings supported

Process:

Ask, "Are you okay?"

Listen carefully

Remain non-judgmental

Express your own concerns

Simple statements

Be patient - let them talk

Predict and Prepare

Assist victims in gaining a sense of control
Victims should receive the following:

Case information
Problem solving
Impact statements
Participation
What will happen next

Equity and Equilibrium

Justice and Fairness
Restitution
Victims Rights

Protection against intimidation

Help

Information

Reparation

Property

Follow-up

APPENDIX B.12 *(Referenced on page 40.)*

ASSISTING CULTURALLY DIVERSE INDIVIDUALS

When initially contacting crime victims or accompanying them to the Reparative Board meetings, it is necessary to be aware of the many differences among people and how those differences influence our interactions with people and consequently, service delivery. Some of these differences include; economic status, gender, age, mental health, medical conditions, religion, sexual orientation, race and ethnicity. It is important to acknowledge and accept that differences exist and have an impact on service delivery and participation.

Not only do you have to be aware of how differences can influence you in a professional exchange with a client, but how these differences can influence Reparative Board members and the meeting process; (e.g., member's strong biases, jokes, off the cuff inappropriate remarks, etc.).

Cultural competence is the ability of an individual or organization to provide equal access to services for a culturally diverse population by acknowledging the importance of culture, seeking knowledge about the culture of persons served, and adapting service provisions and communication styles to each crime victim's cultural practices.

It is important to:

Acknowledge culture as a predominant force in shaping behaviors, values and institutions.

Acknowledge that when working with minority clients, process is as important as products.

Interact in the language requested by the client. Advocates should seek a translator with cultural knowledge.

Never assume that a person's ethnic identity tells you anything about his or her cultural values or patterns of behavior.

Resources

The Vermont Refugee Resettlement Program

1700 Hegeman Ave., Colchester, VT 05446

(802) 655-1963

(802) 655-4020

This program offers services such as: English as a second language classes, professional interpreter and translation services, sponsorship training and development, citizenship and outreach, and case management.

The Vermont Foreign Language Bank

American Red Cross

32 North Prospect Street

Burlington, VT 05401

(802) 660-9130

This program provides professional interpreter and translation services for individuals needing emergency assistance.

The Vermont Office of Minority Health

108 Cherry Street

Burlington, VT 05402

(802) 863-7273

This program monitors the health status of Vermont's racial, ethnic and cultural minorities. It also provides technical assistance to community-based organizations to build their cultural competency.

Senior Helpline Aging Information

1 Mill Street

Burlington, VT 05401

(800) 642-5119

Outright Vermont

109 S. Winooski Ave.

Burlington, VT

(802) 865-9677

This program provides assistance and support to individuals who self identify as gay, lesbian and bisexual.

Vermont Coalition for Lesbian and Gay Rights

(888) 825-4989

The National Alliance for the Mentally Ill of Vermont

132 S. Main Street

Waterbury, VT

(800) 639-6480

Human Rights Commission

P.O. Box 997

Montpelier, VT 05602

(802) 828-2480

This Commission provides assistance to crime victims suffering from discrimination or harassment based upon race, gender, age, marital status, religion, color, national origin, physical or mental impairment, or sexual preference.

Vermont Racism Action Team

(800) 640-1599

Department of Education Adult Basic Education statewide office

(802) 828-3134

For someone who is illiterate, you can contact the statewide Adult Basic Education office or one in your area.

APPENDIX B.13 *(Referenced on page 40.)*

ASSISTING INDIVIDUALS WITH DISABILITIES

People with disabilities who are victims of crime can face unique difficulties. Often physical obstacles or prevailing attitudes can make a difficult experience even more challenging. The following are some guidelines and resources for contacting and working with these victims of Reparative Probation crimes.

THINGS TO REMEMBER WHEN WORKING WITH A PERSON WITH A PHYSICAL DISABILITY:

Treat the person's wheelchair, crutches, canes and walkers, etc., as mechanical extensions of her/his body.

Allow the person to keep these devices within her/his reach.

Let a person who uses a wheelchair transfer to a different chair if s/he wants.

Offering your assistance to the person is never wrong, but remember to ask first. This gives the person the chance to decline or accept the help.

Providing assistance should be done only after asking the person if s/he needs assistance and how you could best help her/him.

The need for assistance should not be assumed.

Always talk directly to the person, and not to the person with her/him.

If you are speaking to someone using a wheelchair, stand a short distance from the person so that s/he does not have to look sharply upwards.

If you are talking to someone with a physical disability for longer than a few minutes, offer her/him a chair and also sit in a chair yourself. By sitting in a chair, you are eye level with the individual during the conversation. This facilitates communication, as well as making the atmosphere less authoritative or threatening.

RESOURCES

General resource for people with disabilities who have been victims:

DISABILITY PROJECT FOR VICTIM ASSISTANCE - 26 N. Main Street, Suite 9, St. Albans, VT 05478; ph. 1-877-213-2661 or 802- 527-8202 (voice and TTY); email: dipva@together.net.

For persons with disabilities, peer counselors provide information and assistance in obtaining community services and benefits.

VERMONT CENTER FOR INDEPENDENT LIVING

1-800-639-1522

For additional information, contact:

THE ACCESSIBILITY SERVICES COORDINATOR

Department of Aging and Disabilities

103 S. Main Street, Waterbury, VT 05671-2303

(802) 241-2186 (V/TYY)

THINGS TO REMEMBER WHEN WORKING WITH A PERSON WHO IS DEAF OR HARD OF HEARING:

The education, personality, age of onset of deafness, language background, listening skills, lip reading and speech abilities all vary between individuals.

Each person will communicate in different ways. Some use speech, some use a combination of sign language, finger spelling and speech, some will write, and some will use body language and facial expression to supplement the interaction.

Do not shout! Speak at a normal volume unless the person asks you to talk louder. Hearing aids make sound louder, not clearer.

Be sure to gain the person's attention (e.g., by tapping the person lightly on the shoulder) before beginning to talk.

Identify who you are, and make sure that you look directly at the person as you speak.

To make it easier for the individual to lip read, face the light, speak clearly in a normal tone, keep your hands away from your face, and use short, simple sentences.

If you do not know sign language, use paper and pencil. You should not be embarrassed to use this method, because getting the message across is more important than the medium used.

If there is an interpreter present, be sure to talk directly to the person and not to the interpreter.

Be flexible with your language. If a word is not understood after repetition, try another word.

Maintain eye contact with the individual. This helps to convey the feeling of direct communication.

If you are communicating with an individual through an interpreter or through a relay system operator (using the *Telecommunication Relay Service- see below*), both individuals must adhere to confidentiality.

A family member should not be used as an interpreter if s/he is the perpetrator of the crime.

To serve each individual effectively, ask them what communication aid works best for them.

RESOURCES

A common way to contact persons who are deaf or hard of hearing by phone is through V/TTY (*VOICE/TEXT TELEPHONE*). If there is no TTY symbol following a number, TTY users can still contact the number through the *VERMONT TELECOMMUNICATIONS RELAY SERVICE (VTRS)*. VTRS telephone numbers are 1-800-253-0191 TTY or 1-800-253-0195 V.

For information about statewide services for those who are Deaf or Hard of Hearing, and to reach community organizations and social networks, contact:

DEAF AND HARD OF HEARING COORDINATOR RENE PELLERIN

Division of Vocational Rehabilitation - (802) 241-2199 TTY or through

Relay at 1-800-253-0195 V. E-mail: rene@dad.state.vt.us

For assistance in finding Sign Language Interpreters, call *VERMONT INTERPRETER REFERRAL SERVICE (VIRS)* - (802) 254-3920 V/TTY or 1-800-639-1519 V/TTY

VERMONT CENTER FOR THE DEAF AND HARD OF HEARING

Provides accessible advocacy and counseling services throughout Vermont to victims of crime and abuse who are deaf or hard of hearing. The Center also provides education and outreach programs.

147 Knight Lane, Suite 101

Williston, VT 05495

(802) 879-4787 V/TTY

(802) 879-9329 TTY only

(802) 879-4831 FAX

DEAF VICTIMS ADVOCACY SERVICES (see page 103)

Keri Darling, Director

PO Box 44

Montpelier, VT 05601

(802) 224-7135 (TTY)

(802) 224-7136 (Fax)

Kdarling@dvas.org

Or

Kate Parrish

167 Main Street, #308A

Brattleboro, VT 05301

(802) 254-9121 (TTY)

(802) 254-8490 (Fax)

Kate@dvas.org

**THINGS TO REMEMBER WHEN WORKING WITH A PERSON WHO IS
BLIND OR VISUALLY IMPAIRED:**

Make sure that you speak to the person as you approach.

State clearly who you are, and introduce anyone who is with you.

Speak in a normal tone of voice.

Do not attempt to lead the person without asking first.

Allow the person to hold your arm, rather than taking theirs, and control his/her own movements.

If you are assisting a person to sit down, place the person's hand on the back or arm of the chair and allow him/her to sit by him/herself.

Be descriptive when you are giving directions. Provide verbal information that is visually obvious; (e.g., when approaching stairs/steps, mention how many steps and in what direction they are.)

Always tell the individual when you are leaving; never leave the person talking to an empty space.

RESOURCES

DEPARTMENT OF AGING AND DISABILITIES,

DIVISION FOR THE BLIND AND VISUALLY IMPAIRED

Works for blind and visually impaired people of all ages, regardless of financial circumstances, to increase opportunities in employment, independent living, education and support. Also assists in efforts to increase access to printed materials and social services.

108 Cherry Street, Suite 202

Burlington, VT 05401

(800) 708-7703; (802) 863-7530 - Office

VERMONT ASSOCIATION FOR THE BLIND AND VISUALLY IMPAIRED

Serves blind and visually impaired of all ages, regardless of income. Offers a wide range of children and adult services to help people achieve and maintain independence. Provides assistance with transportation needs.

37 Elmwood Avenue

Burlington, VT 05401

800-639-5861; 802-863-1358

<http://www.vabvi.org/main>

THINGS TO REMEMBER WHEN WORKING WITH SOMEONE WHO HAS A SPEECH DISABILITY:

Give your whole attention and interest to what the individual is saying.

Ask short questions that require short answers or can be answered by nodding the head.

Always speak directly to the individual, and never to the person's communication device, interpreter or a companion.

Do not pretend to understand if you don't.

Try rephrasing what you said and heard, or ask the person to repeat what you did not understand.

Never complete the person's sentences; let them finish what they are saying on their own.

Do not raise your voice; most people with a speech disability have normal hearing and understanding.

Stress can magnify speech problems, so if the individual feels comfortable, the encounter may go more smoothly.

RESOURCES

DIVISION OF VOCATIONAL REHABILITATION

Department of Aging and Disabilities

103 South Main Street

Waterbury, VT 05671-2303

(802) 241-2186 (Voice and TTY)

PREPARING FOR A REPARATIVE OR PREP MEETING WITH A VICTIM WHO HAS A DISABILITY:

WHAT DOES ACCESSIBLE MEAN?

Enabling everyone to attend and participate

A meeting is accessible if people can physically get to it, and once there, are able to participate actively in the program.

CAN PEOPLE GET INTO THE BUILDING AND USE ITS ROOMS?

The building must have:

Accessible parking spaces, located close to an accessible entrance to the building.

Accessible routes from car to entrance, with curb cuts and correctly sloped and equipped ramps;

Rest rooms that are wheelchair accessible;

Accessible elevators if the meeting is not on the ground floor;

Meeting rooms where tables and chairs are arranged in such a way as to accommodate people who use wheelchairs without isolating them in any part of the room.

If you want further information about how best to make your public gatherings accessible to the full public, please contact:

DIVISION OF VOCATIONAL REHABILITATION

Department of Aging and Disabilities

103 S. Main Street

Waterbury, VT 05671-2303

(802) 241-2186 (Voice and TTY)

QUESTIONS FOR INDIVIDUALS WITH VARYING ABILITIES:

1. Can you tell me ways we might be able to accommodate your needs?

2. Do you need assistance:

getting to the Board meeting?

getting into the building?

getting to the room?

accessing information?

understanding information?

communicating?

FOR ADDITIONAL AND LOCAL RESOURCES, PLEASE SEE THE VERMONT VICTIM SERVICES RESOURCE DIRECTORY. YOU CAN FIND IT ON THE WEB, www.ccvvs.state.vt.us, IN YOUR LOCAL CRSU OFFICE, OR IN WATERBURY - CALL (802) 241-1250, 1-800-750-1213 (VT only),

or 1-800-845-4874 TTY. (See Appendix D.1, page 119.)

Blank page for Deaf Victims Advocacy Services

APPENDIX B.14 *(Referenced on page 18.)*

COMMON CRIMES FOUND IN THE CONTEXT OF DOMESTIC VIOLENCE AND SEXUAL VIOLENCE

From IDAP Standards for State of Vermont

Felonies

13 V.S.A. 1043 First degree aggravated domestic assault

13 V.S.A. 1044 Second degree aggravated domestic assault

13 V.S.A. 1030 (b) Violation of abuse prevention order (VAPO)

13 V.S.A. 1024 Aggravated assault

13 V.S.A. 3252 Sexual assault

13 V.S.A. 3253 Aggravated sexual assault

13 V.S.A. 1063 Aggravated stalking

13 V.S.A. 2601 Lewd and lascivious conduct

13 V.S.A. 2602 Lewd and lascivious conduct with a child

13 V.S.A. 2405 Kidnapping

13 V.S.A. 2406 Unlawful restraint in the second degree

13 V.S.A. 2407 Unlawful restraint in the first degree

13 V.S.A. 3705 (d) Unlawful trespass

13 V.S.A. 1201 Burglary

13 V.S.A. 2451 Custodial interference

13 V.S.A. 1701 Extortion

13 V.S.A. 2903 Attempt to suborn

13 V.S.A. 3701 (a) Unlawful mischief

13 V.S.A. 3015 Obstruction of justice

13 V.S.A. 3001 Impeding public officers

Misdemeanors

13 V.S.A. 1042 Domestic assault

13 V.S.A. 1030 (a) Violation of domestic abuse order

13 V.S.A. 1023 Simple assault

33 V.S.A. 6913 Abuse, neglect, exploitation of elderly or disabled adults

13 V.S.A. 1062 Stalking

13 V.S.A. 3705 (a), (c) Unlawful trespass

13 V.S.A. 1026 Disorderly conduct

13 V.S.A. 1025 Reckless endangerment

13 V.S.A. 3701 (b) Unlawful mischief

13 V.S.A. 1022 Noise in the nighttime

23 V.S.A. 1091 (b) Reckless driving

13 V.S.A. 1027 Harassing/threatening phone calls

13 V.S.A. 403 Cruelty to animals

APPENDICES UNDER C: LETTERS & FORMS

The following letters are samples to use in writing the victim initially and then after Board meetings, depending on their level of participation and the outcome of the case. Be sure to put in the specific information where it is noted (e.g., victim name, offender name, Board meeting date, etc.) If you modify these letters for your specific site, please do not delete the key points that we feel should be covered for best practice. There are also two forms for victim use.

Initial Letter to Victim – page 106

Reparative Questionnaire – page 108

3. Reminder Postcard to Victim – page 110

4. Post-initial Letter: Victim Participated – page 111

**Post-initial Letter: Victim Didn't Participate -
page 112**

6. Review Meeting Letter - page 113

7. Follow-up Letter: Successful Completion – page 114

8. Follow-up Letter: Violation – page 115

**9. Personal Expense Form for Victim Mileage -
page 116**

APPENDIX C.1 (*Referenced on pages 21, 34, 39 & 43.*)

INITIAL LETTER - SAMPLE (on office letterhead)

Date

Victim Name & Address

Dear (*victim's name*),

On {*date*}, {*offender's name*} was sentenced for the crime of (*e.g., Retail Theft*) and placed on Reparative Probation. (*S/he*) will be meeting with a Reparative Board made up of volunteers concerned about the quality of life in their communities. They will develop a plan with (*offender's name*) to try to repair the harm caused by the crime.

We understand that you were directly affected by this crime. We invite you to participate in this reparative process. There are several ways to become involved that are listed in the enclosed brochure about the program. Everything is completely voluntary on your part, of course.

One choice is to attend the Reparative Board meeting. During the meeting you would have a chance to

talk about the impact of this crime on you and those you know;

get more information concerning the crime;

ask the (*offender's name*) to make amends;

meet in a safe environment with people who share your concerns.

(*Offender's name*) is tentatively scheduled to appear before the (*name of Board*) Board on (*date and time of meeting*) at (*location*). If you wish to attend, but this date does not work for you, please see the attached schedule of other possible Board meeting times. We would be happy to reschedule the meeting at a date and time more convenient for you, if we can.

If you are unable or do not wish to attend, the Reparative Board would certainly appreciate any input you wish to give. Since you are a key player in this process, your responses to the enclosed questionnaire will help ensure a more effective and meaningful reparative agreement. Please send your response in the stamped, self-addressed envelope enclosed, *whether or not* you plan to attend the Reparative meeting. If you have questions as you fill it out, I'd be glad to help.

3. How did you feel at the time when this happened?

4. Did you suffer a financial loss? If so, please explain.

***Thanks to the Barre CRSU for developing parts of this Questionnaire.**

5. Was there anyone else that you know who was affected? If so, please tell us how they were affected.

6. How do you feel about this experience now?

7. a. What would you like to see the offender do to repair the harm s/he caused you and your family?

7. b. What would you like to see the offender do to repair the harm s/he caused the community?

8. If you are unable to attend the meeting and would like us to read a statement from you to the offender, please attach it to this form. You may send us an audiotape instead of a letter.

APPENDIX C.3 *(Referenced on page 41.)*

REMINDER POSTCARD TO VICTIM - SAMPLE

(BE SURE NOT TO SEND THIS OUT "as is".)

(See attached for Sample Format)

Date

Dear (Victim),

This is just a reminder that the Reparative Probation Board meeting which you wish to attend will be held on *(day, date, time -a.m. or p.m., location)*. We look forward to seeing you there.

(List any specific things you agreed on- e.g., Victim Liaison will meet you in parking lot, etc.)

If you have not already filled out the Reparative Questionnaire and sent it to the Corrections office, please bring it to the meeting if you wish.

Feel free to call me if you have questions.

Sincerely,

(Your name and title)

Reparative Probation Program

(Phone number with area code and e-mail address)

APPENDIX C.4 *(Referenced on page)*

**POST-INITIAL MEETING LETTER: VICTIM
PARTICIPATED - SAMPLE**

On Office Letterhead

Date

Victim Name & Address

Dear {*victim's name*},

Thank you for your participation in the Reparative meeting on {*date*} with the {*which one*} Reparative Board and (*offender's name*.) Your presence certainly helped to make it a more meaningful process, and I hope it allowed you to address some of your concerns. As you know, {*offender's name*} agreed to meet the following conditions by {*date of agreed-upon contract completion*}:

{*list Reparative Contract conditions*}

If you have any questions or comments, please don't hesitate to call me at the number below, or {*CSS & phone #*}, who is overseeing the case. I will keep you informed about the progress that {*offender*} is making in meeting the terms of {*his/her*} Reparative agreement.

You are invited to attend the next Reparative Board meeting with the offender to review {*offender's name*} progress. Again, it is on {*scheduled date & time*} at {*location of next meeting*}.}

This can be rescheduled for you if it is inconvenient for you to attend, but please get back to me by next week.

Sincerely,

{*Your name and title*}

Reparative Probation Program

{*Phone number with area code and e-mail address*}

APPENDIX C.5 (*Referenced to on page 51.*)

POST-INITIAL MEETING LETTER: VICTIM DIDN'T PARTICIPATE - SAMPLE

On Office Letterhead

Victim's Name & Address

Date

Dear *{victim's name}*,

On *{date}* I spoke with you *{or wrote to you}* about the case involving *{offender name}* who was sentenced on *{date}* to Reparative Probation for *{offense}*.

To follow up on our conversation *{or my letter}*, *{offender name}* met with the *{local name}* Reparative Board on *{date}* and agreed to complete the following by *{date of agreed -on contract completion}*.

{list Reparative Agreement conditions}

You are invited to attend the next Reparative Board meeting with the Board members and *{offender's name}* to review *{his/her}* progress. It is on *{date & time}* at *{location}*.

{Thank you for your phone or written input - if they gave any}. If you have any questions or comments, please don't hesitate to call me at the number below, or *{CSS and phone #}*, who is overseeing this case.

Sincerely,

{Your name and title}

Reparative Probation Program

{Phone number with area code and e-mail address}

APPENDIX C.6 *{Referenced on page 52.}*

REVIEW MEETING LETTER - SAMPLE

On Office Letterhead

Date

Dear (victim),

This is a report on *{offender's}* progress toward completing the Reparative Agreement from the *{location}* Reparative Probation Board meeting held on *{date of initial meeting}*. *{Include original Reparative Agreement and progress on each activity.}*

You are invited to attend the next scheduled meeting of the Board with *{offender}* on *{date, time, location}*. It would help us to assist you if we knew

ahead of time if you were coming to the meeting. You can call me at the phone number below.

At the close of this Reparative Probation case we will send you a letter telling you what the offender completed, and the Board's recommendation. Please call me or the probation officer assigned to the case (*name and phone number of CSS*) if you have any input or questions.

Sincerely,

(Your name and title)

Reparative Probation Program

(Phone number with area code and e-mail address)

APPENDIX C.7 *(Referenced on pages 53 & 54.)*

FOLLOW-UP LETTER: SUCCESSFUL COMPLETION BY OFFENDER - SAMPLE

On office letterhead

Date

Victim's Name & Address

Dear *{Victim's Name}*,

I thought you would like to know that *{offender's name}*, has completed the terms of *{his/her}* contract with the Reparative Board and has been recommended for discharge from Reparative Probation on *(date.)* *{She/he}* finished *{state the terms of the contract, including if possible where s/he did community service & # of hours, and any other available details - or include the completed Reparative Contract.}* The financial restitution *(if any)* which is still owed to you must continue to be paid by *{offender's name}* as agreed. *{State that agreement & amount from Probation Order.}*

(IF THEY DID PARTICIPATE, USE FOLLOWING PARAGRAPH:)

Thank you again for your input. *(Say something about how they gave input: came to board meeting, sent in Rep Questionnaire, gave info over the phone, sent a surrogate, etc.)* Certainly, your participation helped make this a more effective process. I hope you found it beneficial to you.

(IF THEY DIDN'T PARTICIPATE, USE THE FOLLOWING PARAGRAPH:)

We hope that the activities that *(offender's name)* completed to fulfill his Reparative Agreement have helped him to better understand the impact of his crime on others.

(ENDING, WHETHER THEY PARTICIPATED OR NOT:)

Your comments about the Reparative Program are important to us. You will be receiving a survey from the Department of Corrections about your experience with the Program. If you have any questions or comments, please call me at the phone number below, or *{again, CSS & phone #, especially if probation is continuing,}* who is the probation officer for this case.

Sincerely,

(Your name and title)

Reparative Probation Program

(Phone number with area code and e-mail address)

APPENDIX C.8 *(Referenced on page 55.)*

FOLLOW- UP LETTER: VIOLATION BY OFFENDER -SAMPLE

On Office Letterhead

Date

Victim's name & address

Dear *{victim's name}*,

I regret to report to you that *{offender's name}* has failed to complete *{his/her}* Reparative Agreement, and has therefore violated *{his/her}* probation and was sent back to court. The judge decided *{put in results of hearing, including restitution requirements, if any.}*

{IF THEY DID PARTICIPATE, USE FOLLOWING PARAGRAPH}:

Thank you again for your input as a victim of this offense. *(Say something about how they gave input: came to Board meeting, sent in Rep Questionnaire, gave info over the phone, sent a surrogate, etc.)* I am sorry that the reparative process did not end satisfactorily and hope that you got at least some satisfaction from expressing your concerns.

{IF THEY DID NOT PARTICIPATE, USE FOLLOWING SENTENCE}:}

I am sorry that *(offender's name)* did not complete what *{s/he}* agreed to do to make amends for the harm caused by this crime.

{EITHER WAY, FINISH WITH THE FOLLOWING:}

I can understand if you are feeling frustrated at this point. If I can be of any assistance, please feel free to call me at the number below, or *{CSS & phone number,}* who is overseeing this case. You may also write either one of us at the above address.

Your comments about the Reparative Program are important to us. You will be receiving a survey from the Department of Corrections about your experience with the Program.

Sincerely,

(Your name and title)

Reparative Probation Program

(Phone number with area code and e-mail address)

APPENDIX C.9 *(Referenced on page 56.)*

PERSONAL EXPENSE FORM FOR MILEAGE

See next page for the form.

Replace this page w/Personal Expense Claim form - Will be page 117

APPENDICES UNDER D: RESOURCE INFORMATION FOR VICTIMS

These two items may be helpful resources for victims. You can refer them to the Vermont Center for Crime Victim Services website (www.ccvv.vt.us), or send or give them the following information.

Vermont Victim Services Resource Directory – page 119

Volunteer Opportunities for Crime Victims/Survivors of Crime – page 120

APPENDIX D.1 *(Referenced on page 45.)*

VT VICTIM SERVICES RESOURCE DIRECTORY

The Fall 2000 VERMONT VICTIM SERVICES RESOURCE DIRECTORY, compiled by the Vermont Center for Crime Victim Services, is an excellent guide to many resources helpful to working with victims of crime. The Directory, which has 117 pages, includes an overview of victims' rights, a description of the criminal justice process, a listing of statutes relating to crime victims, information about VT courts, crime prevention strategies, and contact information for statewide, county-wide and national resources which can assist victims.

The Directory is available on the Center's web site, www.ccvs.state.vt.us, under "Getting Immediate Help" in the right side column. You can also contact the Vermont Center for Crime Victim Services, 103 S. Main Street, Waterbury, VT 05671-2001; phone (802) 241-1250, 1-800-750-1213 (VT only), or 1-800-845-4874 TTY.

If a victim requests the Directory, you can mail him/her a copy, or give him/her the web site address.

APPENDIX D.2

VOLUNTEER OPPORTUNITIES FOR CRIME VICTIMS/SURVIVORS OF CRIME

(This will be sent out to victims who have been contacted when the offender is terminated from Reparative Probation, along with a survey.)

Community Reparative Boards – in every county Ongoing

Boards work to design contracts with offenders on probation as part of their sentence

Opportunities to work as victim liaisons with victims of these sentences

Contact *Sherry Burnette*, DOC Victim Services @ 802-241-2302 for a referral to a local program

Victim Impact Panels Ongoing

Share your story of victimization with Criminal Justice Staff or offenders as part of their understanding of the impact of crime, their rehabilitation and treatment

Participate approximately one time per month

Contact *Patti LaBier* for 'Driving Under the Influence' Panels @ 802-933-4993

Contact *Sherry Burnette*, Victim Services Director, Department of Corrections for all other victim panels @ 802-241-2302

Mothers Against Drunk Driving Ongoing

Work with men and women to increase awareness of the dangers of drunk/drugged driving via special events, and legislative action

Contact *Lori Davis* 802-485-5678

Juvenile Restorative Justice Panels

Work with juvenile offenders to determine restorative justice plans

Panels are operating in every county

Call for a referral to your local program: 802-241-1218

Vermont Victim Advisory Council

Provide advice, comment, and guidance to various criminal justice initiatives based upon your experience with the system

Meet approximately once every 6 weeks/ 2 hours per meeting

Small stipend/mileage paid for meetings

Contact the Center for Crime Victims at 1-802-241-1250

Domestic Violence and Sexual Assault Programs Ongoing

Non-profit programs are always in need of volunteers for direct service with victims/families or office support, fundraising, etc

Many programs ask for time commitment

Contact the Vermont Network Against Domestic Violence and Sexual Assault for a referral to your local programs 802-223-1302

Parents of Murdered Children Ongoing

For family and friends of those killed by violence

Remembrance Ceremony every September 25

Board members are currently needed to expand services available

Contact *Gloria Davis* 802-747-4847

Vermont Victim Services 2000 Project

Volunteers needed at end of each month to produce, collate and mail 200+ newsletters/announcements - office in Williston, VT

Contact *Barbara Whitchurch* at 1-800-926-8006

Burlington Community Justice Center

Restorative Justice Panels for low level offenses; victims and community members meet with offenders to address the harm done.

Neighborhood boards working on quality of life issues in the neighborhood

Training opportunities in alternative dispute resolution for community members

Networking with schools, the police department, city agencies and neighborhood groups to increase safety and prevention of crime

Contact *Mike Reilly*: 802-865-7155

St. Johnsbury Community Justice Center

Similar to above -Contact *Dinah Yessne*: 802-748-2977

For other correctional volunteer opportunities around the state, contact the Community Resource Coordinators:

Franklin, Grand Isle, Chittenden: *Derek Miodownik*, 802-651-1790

Addison, Rutland, Bennington Counties: *Chris Dinnan*, 802-786-5094

Windsor, Windham, Orange Counties: *Ann Fiedler*, 802-295-8803

Lamoille, Caledonia, Essex, Orleans, Washington Counties: *Karen Tyler*, 802-479-4451

Corrections Central Restorative Justice Services:

David Peebles, Director of Community & Restorative Justice: 802-241-2261

Steve Lickwar, Director of Reparative Probation: 802-241-2266

Jim Spinelli: Director of Quality Assurance: 802-241-2297

**APPENDICES UNDER E: GENERAL
INFORMATION FOR STAFF/VOLUNTEERS**

The following Corrections' and court documents may be helpful as a one-time read, or be useful as resources to check when you have a question. The last list includes books, articles and videotapes about restorative justice, Reparative Probation, victim services and other issues. Most of these are available in your local office or through Central Office in Waterbury.

Victim Liaison Volunteer Job Description – page 123

2. Sample Probation Orders: page 125

Administrative

Standard

Deferred Sentence

Modified Probation Order

3. Sample Affidavits – page 126

Direct Victim and/or Affected Party

No Direct Victim or Affected Party

**4. Victim Standards for Reparative Probation (from
Reparative Directive) – page 127**

5. DOC Supervision Level Instrument – page 128

6. Victim Survey & Cover Letters – page 129

General Victim – page 132

Law Enforcement – page 133

Business Victim – page 134

7. Suggested Readings and Resources - page 135

APPENDIX E.1 *(Referenced on page 12.)*

VICTIM LIAISON VOLUNTEER JOB DESCRIPTION

JOB TITLE: Victim Liaison

LOCATION: _____ CRSU

PURPOSE OF POSITION: To increase the satisfaction of victims/affected parties of Reparative Probation offenses in the reparative process.

DUTIES:

Identify victims and those affected by the crimes of offenders sentenced to Reparative Probation through a file review/staff discussion.

Contact all victims/affected parties to explain the program and process and offer choices for involvement. If necessary, contact the Victims Advocate or police to find out relevant information, such as addresses, phone numbers, etc.

Offer support, and invite victims and affected parties to all Reparative Board meetings. Coordinate victim's participation at the Board meeting or arrange for alternative manner for victim to be heard.

Maintain contact with victim/affected parties while Reparative case is active. Insure that victim understands the resolution of the case.

Document victim/affected party contact in case file and in Reparative database.

Volunteer may contact other volunteers to assist in victim support.

Participate in development of standard procedure for contact with victims.

QUALIFICATIONS: Ability to communicate clearly. Ability to use basic computer word processing. Knowledgeable of or interest in victim needs and restorative justice principles. Sensitivity to those who have been harmed by a crime.

BENEFITS: If volunteer works from home, telephone expenses will be paid. Mileage may be requested for travel connected to victim contact.

Personal satisfaction with helping crime victims (who wish to) participate to their satisfaction in the criminal justice process.

TRAINING: Basic volunteer orientation and Reparative Probation Training, as well as training in best practice work with Reparative Victims. Basic database use and office operations.

TIME COMMITMENT: Volunteer agrees to work in this job role for at least 6 months. Normal schedule will be _____ in the office.

SUPERVISION: The _____ will supervise and coordinate tasks of this position.

I agree to the above. _____

Volunteer Signature Date

The Department of Corrections agrees to ensure that the specified training and appropriate supervision are provided.

Supervisor: Date

Community Resource Date

Coordinator

APPENDIX E. 2 *(Referenced on page 16.)*

Sample Probation Orders

APPENDIX E. 3 *(Referenced on pages 14, 18 & 25.)*

SAMPLE AFFIDAVITS

APPENDIX E.4 *(Referenced on page 41.)*

VICTIM STANDARDS FOR REPARATIVE PROBATION *(From Reparative Directive)*

Victims

All persons victimized by the offender are contacted.

All persons victimized by the crime are offered an orientation to Reparative Probation.

All persons victimized by the offender are invited to all meetings held about the case.

If a person victimized by the crime requests to participate in the initial, review or closure meetings, s/he is allowed to attend.

A meeting on a case where there is a victim is not held until the victim has been contacted and either agrees to attend, indicates that s/he does not want to attend or can't be located.

The CSS responsible for scheduling a meeting where there is a victim who cannot be contacted, will document in the case file the efforts made to locate the victim.

Victims are assigned a "host" or "mentor" from the board when they attend a meeting.

Victims' safety needs are addressed prior to attendance at the meeting.

Each reparative board/panel has at least one victim liaison volunteer assigned to it.

Victims are allowed to speak and tell their story, and have input into the Reparative Agreement when they attend a meeting.

.All victims contacted receive a victim survey from Central Office.

The persons victimized by the crime, who request it, receive notification of the final outcome of the case.

APPENDIX E. 5 *(Referenced on page 18.)*

SUPERVISION LEVEL INSTRUMENT

APPENDIX E.6 *(Referenced on pages 43 & 56.)*

Victim Survey & Cover Letters

The following survey is sent to all victims and affected parties who have been contacted by the CRSU office (either by mail, phone or in person) to explain the Reparative Program and their options for involvement. A cover letter addressed to one of three "types" of victims - direct victim or affected party, a business, or the arresting police officer -is also sent with the survey (see attached), along with a self-addressed, stamped envelope.

Note: A survey cannot be sent to a victim/affected party UNLESS THE DATA ABOUT THEM IS ENTERED IN THE REPARATIVE DATABASE. Hence, it is critical for this information to be entered as soon as the case is terminated, either successfully or unsuccessfully. (See Appendix B.9. page , Entering Victim/Affected Party Data in Reparative Database.)

Feedback from those most affected is extremely important for the improvement of the program and process.

REPARATIVE PROBATION VICTIM SURVEY

Today's Date: ___/___/___ Town Where Board Met: _____

1) Were you contacted by the Department of Corrections about participating in the Reparative Probation Program?

Yes No

2) Was the Reparative Probation Program explained to you?

Yes No

3) Did the State Attorney's office contact you?

Yes No

Did you attend a Reparative Board meeting?

Yes No

If yes, the experience was. . .

Very Somewhat Neutral Somewhat Very

Satisfactory Satisfactory Unsatisfactory Unsatisfactory

Did you participate in a Community Conference with the offender?

Yes No

If yes, the experience was....

Very Somewhat Neutral Somewhat Very

Satisfactory Satisfactory Unsatisfactory Unsatisfactory

Did you participate in a mediated Victim-Offender Dialogue meeting?

Yes No

If yes, the experience was. . .

Very Somewhat Neutral Somewhat Very

Satisfactory Satisfactory Unsatisfactory Unsatisfactory

7) The offender was held accountable for his/her crime(s) against you or the business that you represent.

Strongly Agree Agree Uncertain Disagree Strongly

Disagree

If you disagree, what additional activities or services do you think the offender should have completed? (Check all that apply.)

Paid more restitution directly to me.

Completed community work service.

Complete more hours of community work service.

Completed work service for me directly.

Paid fine to the courts.

Other (Please list) _____

8) What was the most meaningful aspect of your experience with the Reparative Probation Program ? (Check only one.)

Meeting with the offender at the Board meeting.

Involvement with the Reparative Board.

Receiving monetary compensation from the offender.

Participating in a Community Conference with the offender.

Participating in a Victim-Offender Mediated Dialogue meeting.

Receiving an apology from the offender.

Expressing personal feelings about the crime and its impact upon your life.

Working with a DOC staff person/volunteer.

Other (Please list) _____

9) Through your experience with the Reparative Probation Program, did you receive adequate...

Resolution of the harm caused by the crime? Yes No

Satisfaction with the way the offense was

handled by the Department of Corrections? Yes No

Monetary compensation for your losses? Yes No

Has the offender begun payment to you

for your losses? Yes No

Did the offender complete payment of

monetary compensation for your losses? Yes No

Is there a payment plan with the offender to

complete payment of monetary compensation? Yes No

10) Would you say that your experience with the Reparative Probation Program was....

Very Somewhat Neutral Somewhat Very

satisfactory satisfactory unsatisfactory unsatisfactory

Why? _____

11) Please indicate the offender's crime. _____

Any additional comments: _____

Offender's relationship to you: None Family Member

(Please circle one)

Partner Friend/Acquaintance

THANK YOU FOR YOUR COOPERATION!!

DOC/CO/PS/1

1/00 (U12)

COVER LETTER SENT WITH VICTIM SURVEY TO DIRECT VICTIM OR AFFECTED PARTY

To:

From: Lynne Walther, Reparative Probation Evaluation Team

Subject: Enclosed Survey for Reparative Probation Program

Date:

Offender:

We understand that you were either a direct victim or affected by a crime committed by the above offender, who was sentenced to Reparative Probation and meeting with a volunteer community Reparative Board. We hope that information was provided to you so that you could have participated in this reparative process by attending the meeting or giving your input. Could you please fill out the enclosed survey and return it in the self-addressed, stamped envelope?

We appreciate your answers whether you met with the board and offender or not. Your confidential responses will help us to improve the program and continue to serve other individuals who have been affected by a crime.

If you have any questions, feel free to call me at (802) 241-2270. Thank you very much for your time and participation.

COVER LETTER SENT WITH VICTIM SURVEY TO LAW ENFORCEMENT OFFICERS

To:

From: Lynne Walther, Reparative Probation Evaluation Team

Subject: Enclosed Survey for Reparative Probation Program

Date:

Offender:

We understand that you were the arresting officer or an involved officer, in the crime committed by the above offender, who was sentenced to Reparative Probation. S/he has finished the program. Even though this was part of your job, we feel that you were affected by this crime. Restorative justice is a philosophy that tries to hold the offender accountable for the harm done by a crime and for him/her to understand the impact it has had on not just the victim, but others and the community in general.

We hope that information was provided to you so that you could have participated in this restorative process with the community volunteer Reparative Board who met with the offender and hopefully, the victim and/or other affected parties.

In an effort to improve this program, we are asking those who were involved with the case to fill out the enclosed survey. We appreciate your answers whether you met with the Reparative Board or not. Your confidential responses will help us to evaluate this process and continue to serve other individuals who have been affected by a crime.

Please return the completed survey in the enclosed stamped envelope. If you have any questions, feel free to call me at (802) 241-2270. Thank you very much for your time and participation.

COVER LETTER SENT WITH VICTIM SURVEY TO BUSINESS

OWNER OR MANAGER

To:

From: Lynne Walther, Reparative Probation Evaluation Team

Subject: Enclosed Survey for Reparative Probation Program

Date:

Offender:

We understand that your business was affected by a crime committed by an offender sentenced to our Reparative Probation Program. S/he has finished the program, and we would like feedback on your experience with this program, if any. We hope that information was provided to you so that you could have participated in this restorative process with a community volunteer Reparative Board.

Restorative justice is a philosophy that holds the offender accountable for the harm done by a crime and encourages him/her to understand the impact it has had on the direct victim, businesses, other affected parties and the community in general.

In an effort to improve this program and meet the needs of victims/businesses harmed by a crime, we are asking you to fill out the enclosed survey. We appreciate your answers whether you met with the Reparative Board and offender or not. Your confidential responses will help us to evaluate this process and continue to serve other individuals who have been affected by a crime.

Please return the completed survey in the enclosed stamped envelope. If you have any questions, feel free to call me at (802) 241-2270. Thank you very much for your time and participation.

APPENDIX E.7

SUGGESTED READINGS & RESOURCES

The following books and other resources may be useful to you. Check with your local office to see if they are available there. Otherwise, call David Peebles (241-2261) or Lynne Walther (241-2270). Please share with us any resources you think would be helpful.

BOOKS

Changing Lenses - Howard Zehr

The Community Justice Ideal - Todd R. Clear & David R. Karp

Promising Practices and Strategies for Victim Services in Corrections. Office for Victims of Crime, U.S. Department of Justice, July 1999.

Serving Crime Victims and Witnesses, 2nd edition. By Julie Esselman Tomz and Daniel McGillis. National Institute of Justice *Issues and Practices*. February 1997.

ARTICLES

A Comparison of Four Restorative Conferencing Models. By Gordon Bazemore and Mark Umbreit. Printed in the OJJDP newsletter, February 2001.

From the Margins to the Mainstream: Community Justice at the Crossroads. By Greg Berman and Aubrey Fox. Printed in the Justice System Journal, Volume 22, Number 2.

Restorative Justice: Assessing Optimistic and Pessimistic Accounts. By John Braithwaite.

Developing a Victim Orientation for Community Corrections: A Restorative Justice Paradigm and a Balanced Mission. By Gordon Bazemore, Florida State University.

Building Community Support for Restorative Justice. By Kay Pranis, Minnesota Department of Corrections.

Fundamental Concepts of Restorative Justice. By Howard Zehr and Harry Mika.

Civic Participation in Vermont - a qualitative study of Vermonter's experiences and attitudes regarding public life. By the Snelling Center for Government.

Tutorial - Introduction to Restorative Justice. On <http://www.restorativejustice.org>

WEB SITES

Office of Victims of Crime Resource Center Home Page: <http://www.ncjrs.org>

Department of Corrections: [.http://www.doc.state.vt.us](http://www.doc.state.vt.us)

VIDEOTAPES (All videotapes are available from the Department of Corrections.)

"Restoring Justice" - put out by the Presbyterian Church, USA; 50 minutes.
(Available from Corrections)

"Restorative Justice: Making Things Right" – Mennonite Central Committee

"Doing Time: - WCAX TV tape on White River Junction Reparative Case

New Reparative Probation orientation tape for offenders

April 2002

New Vermont Reparative Probation video – Ford Foundation - April 2002

"What is Justice? – Mennonite Central Committee, Howard Zehr

"Restorative Justice in Action" – produced by National Institute of Corrections,
focuses on Vermont Reparative Program. 1996.

"Victim Offender Mediation & Conferencing: A Multi-Method Approach"

"An Introduction to Family Group Conferencing" – Real Justice. 1996.