

## When the Offender Is Behind Bars

Even when an offender is convicted and sent to prison, a victim may still have questions and concerns. Victims may want to know when the offender will be released, may fear an escape, may be waiting for payment on an order of restitution, or have other concerns.

Fortunately, corrections departments around the country have created staff positions or even departments to assist victims, keeping them informed of changes regarding a prisoner's status and answering their questions.

### Keeping Victims Informed

All states give victims of crime a right to be notified of the offender's escape and of any parole hearing or parole release. Most states also notify victims of other types of release or transfer. A state may give victims the right to be notified of any or all of the following:

- Escape
- Recapture
- Earliest possible release date
- Transfer to another prison
- Change in security status (e.g., medium security to minimum security)
- Transfer to a mental institution
- Death of the offender in prison
- Post-conviction DNA testing
- Parole application
- Parole hearing
- Parole release
- Release upon completion of sentence
- Pardon/clemency application
- Pardon/clemency hearing
- Pardon/clemency release

### Who can be notified?

The right to be notified of the escape or release of an offender may be limited to victims of certain types of crime in your state. Victims of violent felonies have this right in every state, but many states will also notify victims of other felonies, or victims of certain violent misdemeanors. Some states will notify witnesses or certain other people of the release or escape of the offender, particularly if those people have safety concerns. For example, in the case of a serial offender who was charged and convicted of a crime against one victim, other victims of that same offender may be entitled to notice.

### How do victims request notification?

Many states give victims a notice request form after the defendant is sentenced to prison. Most states require that the victim request notice in writing, either on a specific form or in a letter.

Victims who wish to be notified of releases, escapes, or other developments should contact the victim/witness coordinator in the prosecutor's office or the victim assistance office at the department of corrections. In some states, a request must be filed through the prosecutor's office; in others, it must be sent directly to the corrections department. The victim/witness coordinator or victim assistant will let you know what your state requires.

### **Automated notification systems**

Many state departments of corrections use an automated victim notification system, sometimes called VINE (Victim Information and Notification Everyday). These systems automatically dial a victim's telephone number when the offender has escaped, been released, or at certain other times depending on the state's victims' rights law. Many of these systems also allow a victim to dial a number any time of day to verify the status of the offender.

### **Prison tours**

Along with notification of various events, victims and survivors may want information about life in the prison. Many prisons offer periodic tours for crime victims, through the victim services unit.

## **Collecting Restitution**

Offenders may be sentenced to pay restitution to the victim, in addition to serving time in prison. While victims often find they must wait until the offender is released before they receive restitution payments, this is not always the case. Many prisons have work programs that enable offenders to earn money to pay restitution and child support. Some prisons collect a portion of the inmate's personal funds each month to pay restitution orders. Others may be able to collect other sources of money, such as lottery winnings or tax refunds. Some offenders are especially motivated to pay restitution while incarcerated, because compliance with the restitution order may increase his or her chances for parole.

It is important to make sure the victim assistant at the department of corrections is aware of the restitution order, so that victims do not lose any opportunity to collect restitution. Victims should contact the victim assistant or victim services office to verify that the restitution order has been received, or contact the prosecutor's victim/witness coordinator to verify that the information was sent to the department of corrections.

## **Protection From Harassment**

In some cases, a victim or witness continues to be harassed or intimidated by an offender who is in prison. Incarcerated offenders also may arrange to have their friends or family members harass, stalk, or threaten a victim or witness. Victims and witnesses who receive harassing phone calls and threatening letters from prisoners or third parties should contact the victim assistant or victim services unit at the department of corrections. It is important to let officials know of the continuing threat the offender poses to a victim or witness. In some cases, the offender may be charged with stalking, even though he or she is incarcerated. Offender visitation, phone, and mail privileges may also be limited or suspended.

## **Meeting with the Offender**

Many states have a program that allows victims to meet face to face with their offender. Those programs are completely voluntary (both the victim and offender must agree) and usually involve careful preparation before the meeting takes place. While not every victim or offender is interested in such a meeting, many of those who participate find it beneficial.

## **Victim Impact Panels**

Many departments of corrections also organize victim impact panels, where victims and survivors of homicide victims can share with others the impact of the offense on their lives. Victim impact panels may address offenders, especially juveniles, or may be arranged for the general public. Panels can educate offenders about the real consequences of their crimes. They also serve to inform the public of the extent of the impact of crime on those in their community. And they can often promote healing of the victim or survivor.

## Release Proceedings

### Parole

Nearly every state gives violent crime victims the right to submit a victim impact statement, in person or in writing, to the parole board. Most also allow victims to attend the parole hearing. In a few states, the victim's right to have input is limited to a meeting with one of the members of the parole board prior to the parole hearing. In some states, victims have the ability to submit a videotaped or audio-taped statement, or even to testify via closed-circuit testimony from another location in the state. This right to make a statement does not, however, mean victims have a veto over the parole of an offender. The decision remains in the hands of the parole board.

### Pardon/Commutation

Many states also give victims of violent crime the opportunity to provide input when a defendant is being considered for pardon or commutation of sentence. When an offender is pardoned, the offender is exonerated and the conviction is erased. Commutation occurs when the offender's sentence is changed to one that is less severe, often resulting in an earlier release from prison. More than half the states provide victims with a legal right to notice and an opportunity to be heard regarding an offender's request for pardon or commutation. As with parole proceedings, the victim's right to make a statement does not mean a right to control the decision. That decision rests with the governor or, in some states, with the board of pardons and paroles.

## For Information and Assistance

To obtain the number of the victim assistant or victim services unit in your state's department of corrections or parole board, to find out if your state has an automated notification system, or for other information or referrals, contact the National Crime Victim Helpline at 1-800-FYI-CALL or [gethelp@ncvc.org](mailto:gethelp@ncvc.org).

## About the National Center for Victims of Crime

The National Center for Victims of Crime is the nation's leading resource and advocacy organization dedicated to serving individuals, families, and communities harmed by crime. Working with local, state, and federal partners, the National Center provides direct services and resources to victims of crime across the country; advocates for laws and public policies that secure rights, resources, and protections for crime victims; delivers training and technical assistance to victim service providers and allied professionals serving victims of crime; and fosters cutting-edge thinking about the impact of crime and the ways in which each of us can help victims of crime rebuild their lives. For more information, visit [www.ncvc.org](http://www.ncvc.org).