



NAVSPIC

National Association of Victim Service Professionals in Corrections
Compassion - Equality - Service - Justice

999 Barretts Mill Road, W. Concord, MA 01742
www.navspic.org

WINTER 2010/11

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MESSAGE FROM THE CHAIRPERSON

Dear NAVSPIC Members,

I hope everyone had a great holiday season and is getting into the swing of 2011! Many of us are facing dramatic changes within our states, including new Governors, Directors/Secretaries and the continuing budget cutbacks. As we are all working to ensure that victims' issues are included throughout the corrections' process during these difficult times, never has it been more important than now to have a strong network nationally to learn from each other, share ideas and collectively advocate for common issues facing us all.

During the 2010 NAVSPIC Conference, as the result of a presentation by Barbara Grissom, from South Carolina, during the Membership Business Meeting, NAVSPIC took a strong stance urging the Federal Communications Commission (FCC) to act on petition (Docket 09-30) allowing cell phone signal jamming technology to be used in prisons. We can only hope that this issue is addressed soon to help reduce inmates' ability to harm victims and others through the use of cell phones they've been able to smuggle into institutions. Even Charles Manson was found to have a cell phone in possession just a few months ago! This is a serious issue facing all of our agencies and together we hope to make a difference!

We have already begun planning for the 2011 NAVSPIC Conference and Victim Offender Dialogue Summit that will be held in Niagara Falls this year and hope everyone will be able to join us. Last October in Maine, NAVSPIC officially became an international organization, when our colleagues from Canada joined us! We are hoping to expand our membership even more in 2011. This is also an election year for the NAVSPIC Board. If you have an interest in getting more involved, we would love to hear from you! Remember, we want to make sure our association is best meeting our needs and only through your involvement can we be as strong as possible. Please continue watching our website (www.navspic.org) for updated information as we get closer to the conference.

On the horizon, there are many issues we collectively face every day. We know that offender reentry initiatives will continue expanding, PREA standards are being released and Impact of Crime Programming continues to be strengthened nationally. I'm looking forward to addressing these and many other issues together throughout the coming year!

Take care!
Karin Ho

New PREA Rules Proposed by USDOJ

Peter Michaud

New Hampshire Department of Corrections

On February 3, the U.S. Department of Justice released its proposed Final Rule for the National Standards to Prevent, Detect and Respond to Prison Rape. Public comments will be accepted for 60 days, no later than 4/4/11. Required by the Prison Rape Elimination Act of 2003, the final rule will become Part 115 of Title 28 of the Code of Federal Regulations (28 CFR Part 115).

Four subparts to the proposed standards include:

- (A) Standards for Adult Prisons and Jails
- (B) Standards for Lockups
- (C) Standards for Community Confinement Facilities
- (D) Standards for Juvenile Facilities

For all facilities, the standards provide detailed definitions for “sexual abuse” and “sexual harassment,” whether committed by another inmate/detainee/resident or by a staff/contractor/volunteer. The USDOJ notes, “it is appropriate that certain standards reference sexual harassment in order to combat what may be a precursor to sexual abuse.”

While victim services and allied professionals have an interest in all of the standards, here are two significant points to consider:

- One proposed standard “requires that the agency offer all sexual abuse victims access to a person either inside or outside the facility who can provide support to the victim. Specifically, the proposed standard requires that the agency make available to the victim either a victim advocate from a community-based organization that provides services to sexual abuse victims or a ‘qualified staff member,’ defined as a facility employee who has received education concerning sexual assault and forensic examination issues in general. A victim advocate or qualified staff member must be made available to accompany and support the victim through the forensic medical exam process and the investigatory process, and to provide emotional support, crisis intervention, information and referrals, as needed.”

- The standards “require a coordinated response among first responders, medical and mental health practitioners, investigators, and facility leadership when an incident of sexual abuse takes place. This proposed standard is modeled after coordinated sexual assault response teams (SARTs), which are widely accepted as a best practice for responding to rape and other incidents of sexual abuse. Agencies are encouraged to work with existing community SARTs or create their own plan for a coordinated response. To ensure that the victim receives the best care possible and that the investigator has the best chance of apprehending the perpetrator, the Department recommends coordination of the following actions: (1) assessing the victim’s acute medical needs, (2) informing the victim of his or her rights under relevant Federal or State law, (3) explaining the need for a forensic medical exam and offering the victim the option of undergoing one, (4) offering the presence of a victim advocate or a qualified staff member to be present during the exam, (5) providing crisis intervention counseling, (6) interviewing the victim and any witnesses, (7) collecting evidence, and (8) providing for any special needs the victim may have.”

The proposed standards differ from the previously recommended standards of the National Prison Rape Elimination Commission (2009). They are another comprehensive effort to improve efforts by all correctional agencies in the areas of:

- Prevention planning
- Responsive planning

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NAVSPIC Newsletter
Editor:
Jennie Marsh
Kansas Department of Corrections

Graphic Design/Layout:
Mike Jones
Texas Crime Victim Clearinghouse

Identifying Gaps and Applying Remedies

Mike Davis

Ohio Department of Rehabilitation and Correction

The 2008 Ohio Family Health Survey reported that more than 100,000 adults experienced intimate partner violence. This number mirrored the number of injuries that resulted from vehicle accidents and new cases of cancer. Domestic violence continues to affect a large number of the population in Ohio and around the nation. We know that the majority of those who are victimized are women. Some reports indicate that as many as 1 in 4 women are victims of domestic violence across the country. As a justice professional in corrections it is imperative that we examine the point of intersection between the correctional system and the ability to address this horrible crime. While I would say the vast majority of correctional offices of victim service bureaus provide notification, and other services, there may be another impact area where our contribution related to minimizing the impact of DV is necessary.

Without a doubt it is necessary to continue services for victims of domestic violence, and it is imperative that the criminal justice system simultaneously continue seeking effective methods of supervision, monitoring and treatment of the batterer. Without effective responses by the criminal justice system designed to hold offenders accountable and intervene through policy by requiring adequate opportunity for offender treatment during incarceration and community supervision; it is possible to conceive that offenders convicted of domestic violence or related offenses will continue to recidivate for violent offenses against women at rates significantly higher than the average offender.

Research on batterer recidivism has consistently found that batterers' criminal histories are the most powerful predictors of recidivism. Other research has linked batterer recidivism to the batterer's age, race and socio-economic status. These findings on batterers' recidivism are consistent with the body of literature on criminal recidivism.

The problem that exists for the criminal justice system is that a large portion of offenders who commit acts of domestic violence as reflected in the Comprehensive Report on Domestic Violence are not placed under the supervision of the adult

parole authority as identified batterers. However this does not mean that incarcerated offenders do not have histories of committing domestic violence.

A common occurrence is that of Ohio prison inmate Darren Clinton. Mr. Clinton is serving an eight (8) year sentence for voluntary manslaughter which occurred in 2003. In a standard assessment of the offender based on the crime for which he is incarcerated it would be easy to miss his repeated history of committing intimate partner violence. A review of the offender's criminal history clearly indicates a pattern of battering behavior against an intimate partner. Reports from local police indicate that Mr. Clifford was charged with domestic violence/assault in 1996 (twice), 1998, 1999, 2000 (three times), and 2001. Without properly identifying Mr. Clifford the issue of appropriate community supervision would be impossible for agents of the adult parole authority. Although Mr. Clifford is incarcerated for voluntary manslaughter the probability that he will violate parole sanctions for assaultive behavior toward an intimate partner is very high. Unfortunately Mr. Clifford is just one of many examples.

A recent review conducted by the Ohio DRC Bureau of Research revealed that DV represented nearly 3% of offenders who were admitted to the department of corrections where DV was the most serious offense. Below is the table from the 2009 Intake report that shows prior DV convictions. Since those coming in for a DV as most serious were less than 3 % of admissions, obviously many offenders of diverse types

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| Missing: 190 | Males | Females | Total | | |
|-------------------------------|-------|---------|-------|--------|------|
| NUMBER OF | N % | N % | N % | | |
| DOMESTIC VIOLENCE CONVICTIONS | | | | | |
| 0 | 2047 | 74.46 | 385 | 91.89 | 2432 |
| 1 | 403 | 14.66 | 23 | 5.49 | 426 |
| 2 | 164 | 5.97 | 5 | 1.19 | 169 |
| 3 | 73 | 2.66 | 5 | 1.19 | 78 |
| 4 | 28 | 1.02 | 1 | 0.24 | 29 |
| 5 or more | 34 | 1.24 | 0 | 0.00 | 34 |
| TOTAL | 2749 | 100.00 | 419 | 100.00 | 3168 |

TABLE 55: Number of Domestic Violence Convictions

Interstate Commission for Adult Offender Supervision:

New Rules and Amendments

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On March 31, 2010, the Executive Committee of the Interstate Commission for Adult Offender Supervision (ICAOS) authorized the creation of an Ad Hoc Committee to study the existing interstate compact rules governing violations and retaking of offenders. Specifically, the Commission wanted to know if the ICAOS rules provide adequate authority and sufficient clarity to respond to violations and the retaking of offenders, to ensure public safety, provide due process to offenders and balance the legitimate interests of the sending and receiving states.

The ad hoc committee's work resulted in the recommendation to add new rules and to amend several existing rules related to the violations and retaking process. The recommendations focus on violent offenders who violate their conditions of supervision and offenders who commit new violent crimes while under interstate compact supervision.

The full commission discussed and voted on the recommendations at its annual business meeting on October 13, 2010, in San Antonio, Texas. All but one of the proposals considered by the commission passed. The following new rules and rule amendments become effective March 1, 2011.

New Rule 5.103-2: Requires a sending state to retake a violent offender who has committed a significant violation when the receiving state requests the sending state to do so following the submission of a violation report. The sending state must retake the offender via the issuance of a nationwide warrant.

-New Definition: "Violent Offender" means an offender under supervision for a violent crime.

-New Definition: "Violent crime" means any crime involving the unlawful exertion of physical force with the intent to cause injury or physical harm to a person; or an offense in which a person has incurred direct or threatened physical or psychological harm as defined by the criminal code of the state in which the crime occurred; or the use of a deadly weapon in the commission of a crime; or any sex offense requiring registration.

-New Definition: "Warrant" means a written order of the court or authorities of a sending or receiving state

or other body of competent jurisdiction which is made on behalf of the state or United States, issued pursuant to statute and/or rule and which commands law enforcement to arrest an offender. The warrant shall be entered in the National Crime Information Center (NCIC) Wanted Person File with a nationwide pick-up radius.

New Rule 4.109-2: Requires a receiving state to conduct attempts to locate offenders prior to the submission of an absconder violation report to the sending state. The receiving state, at a minimum, must conduct a field visit at the last known place of residence; contact the last known place of employment, if applicable; and contact known family members and collateral contacts.

New Rule 5.103-1: Requires sending states to issue nationwide warrants upon the receipt of an absconder violation report and case closure from the receiving state. It also mandates that the sending state's warrant remain in place until the offender is retaken.

Amendment to Rule 5.101: The amendment mandates that once a sending state makes the decision to retake their offender under this rule that the retaking process is initiated by the issuance of a nationwide warrant.

Amendment to Rule 5.102: The amendment mandates that once a sending state is required to retake their offender under this rule that the retaking process is initiated by the issuance of a nationwide warrant.

Amendment to Rule 3.107: The amendment requires the sending state to provide more detailed information to the receiving state in each transfer request; a narrative description of the instance offense to include the circumstances of the crime; a pre-sentence reports, unless distribution is prohibited by law or it does not exist; supervision history, unless it does not exist; and, following acceptance of a case, any additional documents necessary for supervision in the receiving state must be provided by the sending state within 30 calendar days from the request.

Training will be made available in reference to the new and amended rules. Access to this training can be found at www.interstatecompact.org.

NAVSPIC

Annual Conference and Victim Offender Dialog Summit - 2010

Denise Giles

Maine Department of Corrections

Victim service professionals in corrections have been meeting both formally and informally as much as possible for over twenty years. The National Association of Victim Service Professionals in Corrections (NAVSPIC) was formed in 2006, and has held an annual national conference every year since.

Last year's event combined the 5th Annual Victim Offender Dialogue Summit with the 4th Annual NAVSPIC conference in beautiful Portland, Maine in October 20-22, 2010, hosted by the Victim Services Division of the Maine Department of Corrections. The combined conference offered the participants an opportunity to share information with other correctional victim service professionals from throughout the nation and to learn and develop new skills.

The presentations and workshops of this year's program gave the participants the chance to interact with experts in the field on a variety of topics of concern to victims advocates in corrections. The first day of the combined conference was devoted to the 5th Annual Victim Offender Dialogue (VOD) Summit. The facilitators of the summit were nationally recognized VOD experts Karin Ho and Jon Wilson.

The second and third day, was the NAVSPIC Conference that opened with welcoming remarks from Neale Duffett, Chair of the Maine Board of Corrections and Denise Giles, Victim Services Coordinator of the Maine Department of Corrections. The conference agenda included following topics:

- Crime Victims and Re-Entry, presented by Anne Seymour Justice Solutions
- Restorative Justice Panel-What does that really mean? How to Let Victim's Voices be Heard presented by Amy Holloway (VT)
- An Overview of Domestic Violence: Issues and Impact for Corrections-Based Professionals, presented by Trudie Gregorie, Justice Solutions.
- Batterer Intervention Programs: This included a panel discussion on how states are using Batterer Intervention Pro-

grams (BIP) in both facilities and community

- Prison Rate Elimination Act (PREA)-What States are Doing and What is the role of Department of Corrections Victim Services in PREA? presented by Robert Dumont, Consultant The Moss Group
- Compassion Fatigue and Developing Resilience, presented by Katherine Manners and Lisa Tieszen

The highlight of both the VOD summit and the NAVSPIC conference were presentations from a panel of victims of crime whose lives were impacted by violent crimes and yet had the courage and resilience to share their experiences with the conference participants.



PREA; continued from page 2

- Staff training and inmate education
- Screening for risk of sexual victimization and abusiveness
- Reporting
- Official response following an inmate report
- Investigations
- Discipline
- Medical and mental care
- Data collection and review
- Audits

The deadline date for submitting comments on the Standards is April 4, 2011. Written comments being sent by mail should be sent to Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, 950 Pennsylvania Avenue, NW, Room 4252, Washington, DC 20530. Comments may also be sent electronically, using the electronic comment form at: www.regulations.gov/#!submitComment;D=DOJ-OAG-2011-0002-0001.

The full Standards in the Federal Register can be found at: <http://www.regulations.gov/#!documentDetail;D=DOJ-OAG-2011-0002-0001>.

Gaps; continued from page 3

have this as part of his or her background. Almost a quarter have at least one prior DV.

A more clear view of this issue can be found by reviewing a 2006 survey of 100 participants of the ODRC P.R.O.V.E. Batterer's Intervention Program that showed 50% of program participants recommended and admitted to the program were incarcerated for crimes other than domestic violence¹. The result of the survey and the 2009 Intake Report demonstrate the significant challenge posed to criminal justice professionals responsible for supervising offenders on parole. Offenders released under parole supervision are not clearly identified as having domestic violence histories in their criminal backgrounds. The result is that violent offenders are placed under supervision without the supervising officer's knowledge of the potential for domestic violence behaviors from the offender. The impact of this reality is that observable intra-family violence behaviors are not identified and are underreported.

Education and Intervention

Understanding the realities associated with domestic violence were easy enough for everyone to comprehend. As stated earlier, the numbers are pretty clear 1 in 4 women are victims; offenders with past histories of domestic violence are more likely etc. etc. The challenge is deciding how the reali-

ties of the situation should be addressed. In Ohio, a decision was made in 2004 to begin the process of implementing a batterers' intervention program in the prisons.

It seems that many prison-based programs attempt to address the issue of domestic violence by offering the offender anger management programming. By and large these programs view violence as a momentary outburst of anger which can be remedied through the use of applied techniques and methods for controlling emotion. Unfortunately, batterers specialize in controlling their anger and while anger-management programming may have applicability for the general population, the behavior of the offender who engages in intimate partner violence is rarely impacted.

To effectively address intimate partner violence, prison systems should look to implement batterers intervention programming (BIP) in correctional facilities and in the community for offenders under community control. Unlike anger management programs BIP view physical violence as one of many forms of abuse that is selected by the batterer in order to control their intimate partner². The BIP approach requires that offenders learn how their choice to be abusive affects their relationships with their intimate partners and children. Most abusive men will continue to engage in violent behavior against their intimate partner if there is not a structured, mandated program that attempts to teach alternate methods to violence.

¹Institution-based Batterer Intervention in Ohio, Swogger, R. M. 2008

²Official website of the Office of Health and Human Services Commonwealth of Massachusetts

ANNOUNCEMENTS

WE NEED YOUR HELP!

We are looking for any of you (or other staff in your office) with the skills to assist with managing the NAVSPIC website. If you are interested or know someone who is, please contact Karin Ho at Karin.Ho@odrc.state.oh.us or Peter Michaud at pemichaud@nhdoc.state.nh.us Thanks for your help!

SAVE THE DATE!!!!

2011 NAVSPIC Conference and Victim/Offender Dialogue Summit

In beautiful Niagara Falls, New York!

VOD Summit- 10/24-10/25

NAVSPIC conference- 10/26-10/27

More details to come! For more information, contact Janet Koupash at Janet.Koupash@docs.state.ny.us.

Kansas- Submitted by Janet Good

Thanks to funds received from the Community-Defined Solutions to Violence Against Women Program (formerly GTEAP), the Kansas Department of Corrections Office of Victim Services is working on several projects to increase the safety of victims of domestic violence.

One initiative focuses on domestic violence offenders who continue their power and control behaviors against their victim while incarcerated. While some may consider prison confinement a “safe” time for the victim, that’s not always the case. Victim advocates who work within correctional facilities have long seen offenders continue their manipulative and coercive tactics to keep the victim under their control until released. However, with little information available on this topic and no known policies or trainings to pattern after, many of these offender behaviors are allowed to go unchecked or even unrecognized by staff, and victims continue to be harmed.

To study and address this issue, the Domestic Violence in Correctional Facilities Committee (DVICF) was formed of representatives from each of the state’s correctional facilities to look at offender behavior, rules, policies and procedures within our own system to find out just how DV continues to be perpetrated from behind bars. This committee not only produced a comprehensive list of behaviors that offenders are utilizing to control their victims, but also a list of policy recommendations to decrease the occurrence of abusive and coercive behaviors as well as providing the foundation for a comprehensive staff training.

As a result of the DVICF committee’s work, current policies are being reviewed and a curriculum is being created to educate correctional facility staff about how domestic violence is being perpetrated from the inside. Plans to implement this training are being set for later this year.

Another initiative is the development of a model corrections policy for the management of domestic violence offenders on post-release and parole supervision. This policy, now in the final approval stages, incorporates new guidelines and best practices for both traditional DV situations, such as family reintegration or no-contact, as well as non-traditional domestic violence situations, where a supervised offender might also be a victim of domestic violence, or if a victim and a batterer are both on supervision. No matter what type of situation the parole officer is faced with, the model policy outlines procedures to help hold the offender accountable for their crimes while at

the same time, supporting the victim in the safest manner possible.

Along with supervision guidelines, the model corrections policy also includes:

- Procedures for conducting an evidence-based investigation of a parole violation, including a fill-in-the-blank form and a list of resources a parole officer can draw from to move forward with a parole revocation, without having to rely solely on victim testimony.
- A list of special conditions of parole, with standardized language specific to domestic violence offenders that a parole officer can use on a case-by-case basis. These conditions include payment of court fines and fees, notifying the parole officer of any court involvement (including child support or family court), disclosure to a new partner their history of violence, geographic prohibitions and compliance with child or adult protective services.
- Stronger language in the No-Contact condition to include the stalking type behaviors of loitering near or driving past places of employment, residence or education for not only the victim, but also the victim’s family and children.

Louisiana- Submitted by Jean Wall

Neither rain, nor sleet, nor snow ... After more than 36 unexpected hours in the Atlanta airport, Karin Ho, administrator of Victim Services in the Ohio Department of Rehabilitation and Correction, arrived in Louisiana to assume the role of lead trainer for 18 newly recruited facilitators for the Department of Public Safety and Corrections’ VOD program. The week-long January training more than doubled the size of the department’s all-volunteer facilitator force.



Funding for the training (participants’ lodging and meals and Karin’s travel costs) came from federal CVS funds, awarded through the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. No additional monies are available, and facilitators understand that future travel costs are not reimbursable.