

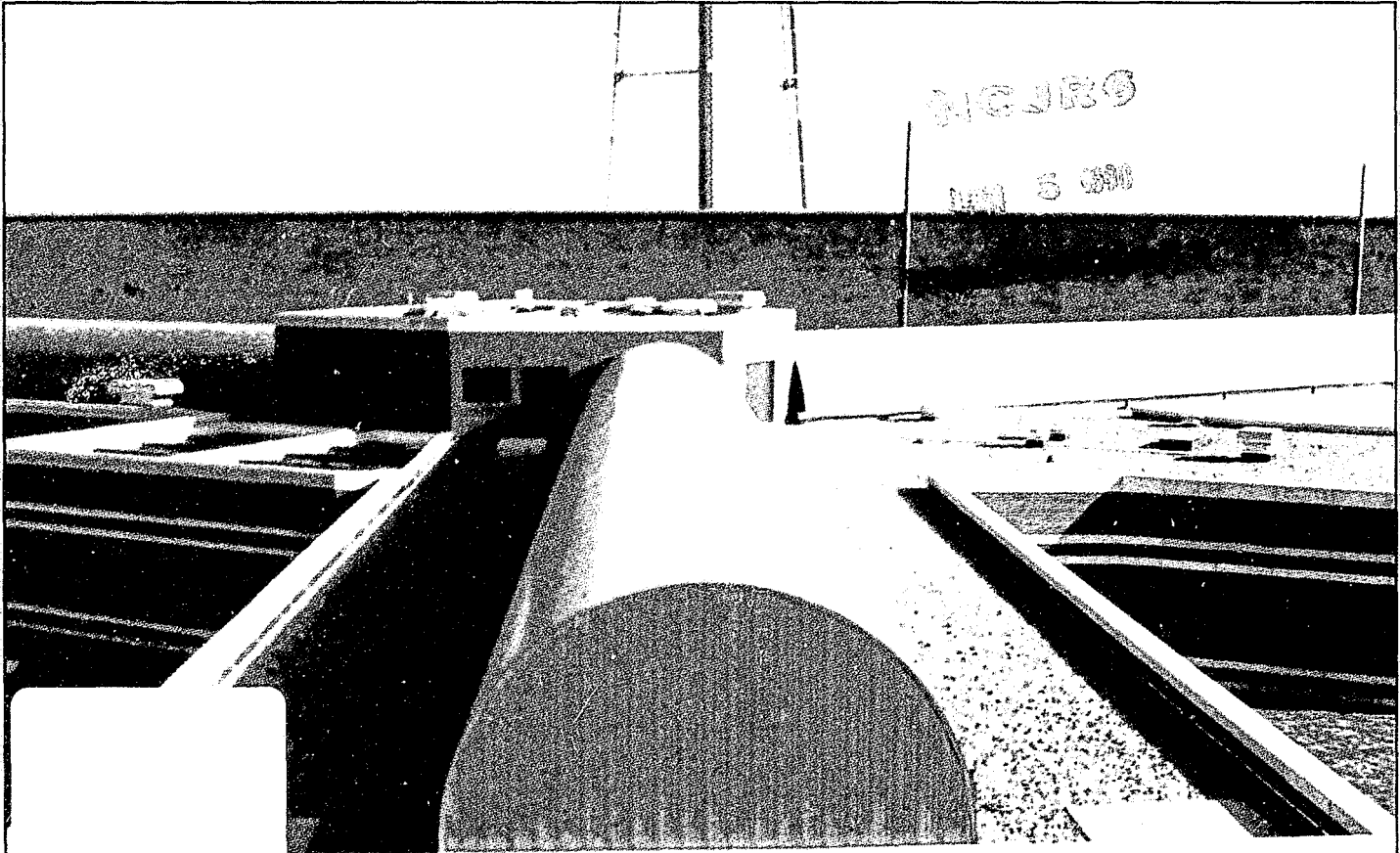
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New Directions
for High Security



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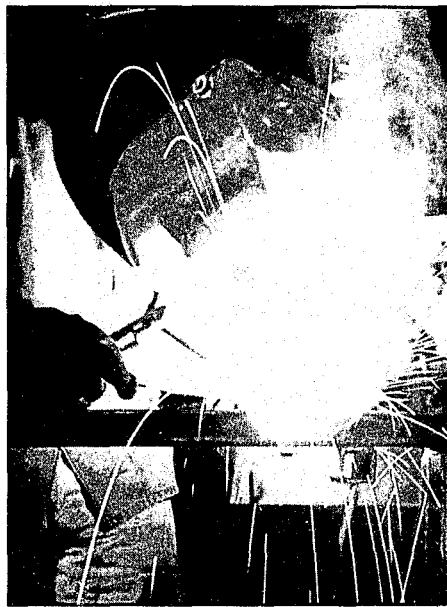
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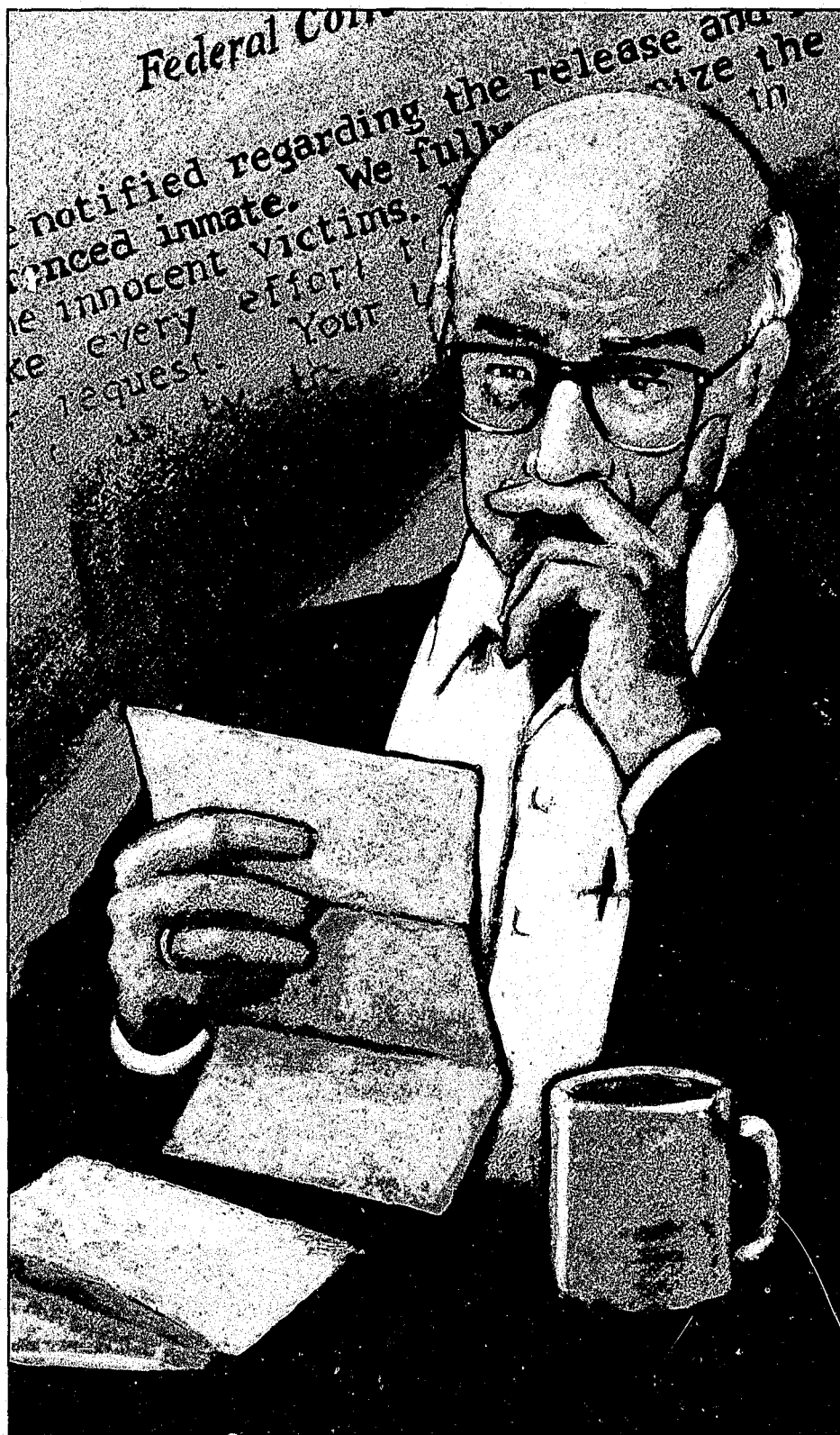
The newest constituency, the newest challenge

Paul Horner and
Gilbert L. Ingram, Ph.D.

We live in perhaps the most advanced society in the history of civilization—and from all indications, one of the most violent. As we prepare to enter the 21st century, the scientific community predicts technological advancements beyond our wildest imagination, while criminologists predict that crime, especially violent crime, will continue to escalate significantly.

In the United States, a violent crime occurs every 21 seconds. Every 6 minutes a woman is raped. Every 23 minutes someone is murdered. At current crime rates, an estimated five of every six U.S. citizens will be victims of attempted or completed violent crimes during their lifetimes.¹ Even those who are fortunate enough to escape direct victimization find their lives affected by crime to the degree that they too may be considered victims. As an eminent attorney has stated, "Awareness of [crime] affects the way we think, where we live, where we go, what we buy, how we raise our children, and the quality of our lives as we age. The specter of violent crime and the knowledge that, without warning, any person can be attacked or crippled, robbed, or killed, lurks at the fringes of consciousness. Every citizen of this country is more impoverished, less free, more fearful, and less safe, because of the ever present threat of the criminal. Rather than alter a system that has proven itself incapable of dealing with crime, society has altered itself."²

As a major component of the criminal justice system, the Federal Bureau of Prisons must face the challenges inherent in an increasingly violent society. The



Bureau's constituency has traditionally included other components of the criminal justice system, members of Congress, the general public, and, of course, inmates. To meet the needs of this very large and diverse constituency, the Bureau has continually attempted to improve programs and services to inmates and explore alternatives to traditional confinement while maintaining the basics of sound correctional practice. In recent years, however, the development of programs has taken a new direction to include a previously ignored element of the justice system: the victim.

The victims' movement

The idea of providing rights to victims of crime is not a new idea. Historically, victims have played a central role in this country's system of justice. However, as the criminal justice system evolved and became more complex, the rights of the victim seemed to many to become secondary to the rights of the accused.

Consequently, victims reportedly began to feel like insignificant cogs in the "wheels of justice," their role reduced to that of an outsider. Efforts to revitalize victims' rights in the U.S. emerged in the late 1960's and early 1970's, when the crime rate was soaring dramatically. Ironically, this effort, from the perspective of the criminal justice system, was not primarily undertaken out of concern for the victim as a person, but rather emphasized the extent to which crime statistics were unreliable because victims were not reporting crimes. Not surprisingly, a number of studies revealed that victims were not cooperating with law enforcement agencies because they did

not believe the system would treat them fairly or sympathetically. Despite this increased "concern" for victims, the movement did not receive national attention until the early 1980's.

Victim/Witness Program

Participant profile

Total inmates in program	464
Inmates confined in Bureau facilities	425
Inmates confined in non-Bureau facilities	39

Inmate profile

Average age	36
Average length of sentence	178 mo.
Male inmates in program	439
Female inmates in program	25

Racial stratification

White	251
Native American	116
Black	95
Hispanic	18
Asian	2

Victim/witness legislation

During the past decade, the needs and rights of victims have been propelled by a combination of grassroots movements and legislative endeavors. The women's movement brought national attention to the victims of rape and spouse abuse and was instrumental in developing rape crisis centers and domestic violence shelters for women and children. Parents of Murdered Children, founded in 1978, addresses the needs of the next of kin of murder victims and provides peer counseling. Mothers Against Drunk Driving (MADD), founded in 1980, advocates harsher sentencing for intoxicated drivers. As a result of these grassroots movements, as many as 4,000 programs are currently helping crime victims cope with the traumatic experience of victimization and the complexities of the criminal justice system.³

Perhaps encouraged by the rapid growth of this movement, coupled with increasing concern over the continuing escalation of violent crime, Congress enacted the Victim and Witness Protection Act (VWPA)⁴ in 1982. This landmark act was the first major, bipartisan legislation "to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process"; it established the framework for future legislative advancements at the Federal, State, and local levels. The most noteworthy provisions of this Act mandated:

- Victim impact statements to be included in all presentence investigations.
- Protection of victims and witnesses from intimidation, threat, or harassment.
- Procedures for ordering restitution.
- Consideration of the victim's situation in determining bail.
- Federal guidelines for fair treatment of crime victims and witnesses in the criminal justice system.

In accordance with this latter provision, the Attorney General was directed to develop guidelines for the Department of Justice consistent with the Act. These guidelines, issued in 1983, included directives pertaining to notifying victims or witnesses of serious crimes: "If the victim or witness has requested notice and has provided the responsible official with a current address or telephone number, he or she shall be advised in advance of the defendant's release from custody. In the event of an escape by the defendant, such victim or witness shall be apprised as soon as practicable. Moreover, a victim should be notified in advance of any parole hearing under the procedures specified above." Thus, the foundation was established for all components of the Department of Justice,

including the Bureau of Prisons, to ensure that the provisions of this legislation would be carried out.

Victim and Witness Notification Program

In April 1984, the Bureau established (under Program Statement 1490.1, Victim and Witness Notification Program) standard procedures to be followed in responding to requests from a victim or witness who wishes to be notified regarding a specific inmate's release or release proceedings. Through a coordinated effort with other agencies in the Department of Justice, specifically the Executive Office for United States Attorneys, each request is reviewed to ensure that it meets the statutory requirements. Once approved, and after it is confirmed that the offender is in Federal custody, the victim or witness is informed of all significant release activities pertaining to a specific inmate, including:

Parole Hearings. For all inmates serving indeterminate sentences, the victim/witness will be notified of the inmate's parole eligibility date as well as the date and place of all parole hearings. This includes instructions for submitting written comments to the U.S. Parole Commission or notifying the Commission should the victim/witness wish to appear in person for the hearing.

Transfers. Should inmates be transferred to another facility during their period of incarceration, the victim/witness will be notified of the most current location for that inmate.

Death. If an inmate dies during incarceration, the victim/witness will be notified of the date of death.

Victim/Witness Program Participant offenses

Type of offense	% participants
Robbery	28
Government reservations	14
Assault	13
Fraud	8
Firearms violations	7
Larceny/theft	5
Kidnapping	4
Explosives/extortion	4
Drug violations	2
Racketeering/RICO/CCE	2
Homicide/manslaughter	2
Communications Act	2
Internal Revenue Act	2
D.C. Offenders	1
Civil rights violations	1
Embezzlement	1
Burglary	1
Perjury/obstruction of justice	1
Interstate Commerce Act	1
Counterfeiting	1
Hijacking	1
Other	4

Escape. A victim/witness will be notified by telephone of the date and time of an inmate's escape as soon as possible after the escape is discovered. Once the inmate is apprehended, the victim/witness will be advised of the apprehension and the inmate's current location.

Transfer to Community Corrections Center. Upon verification that an inmate has been approved for transfer to a Community Corrections Center (halfway house), the victim/witness will be advised of the name and location of the facility, the date of transfer, and the tentative date the inmate is scheduled for release to the community. Transfers to Community Corrections Centers ordinarily occur 3 to 6 months prior to the inmate's final release date.

Furlough. Should an inmate be approved for an unescorted trip in the community

to further transitional planning for prerelease purposes (furlough), the victim/witness will be notified of the beginning and ending dates, as well as the specific location of the furlough. Furloughs ordinarily occur within the inmate's final year of confinement.

Parole/full-term expiration/mandatory release. Prior to an inmate's release to the community without the benefit of a Community Corrections Center, the victim/witness will be notified of the date of release, the city and State of destination, and the supervising U.S. Probation Office.

With the implementation of this Program Statement, the Bureau of Prisons, in collaboration with the Executive Office of the U.S. Attorneys, established the first victim notification program on a national level. Similar advancements have occurred at the State level. Prior to 1982, only 4 States had laws to protect the rights of victims; 44 States now have a Victim's Bill of Rights. Only 37 States had some form of victim compensation before 1982; 46 now have such programs. Every State, as well as the District of Columbia, has some sort of restitution legislation, and 23 have mandatory restitution legislation. Furthermore, 48 States now allow the use of victim-impact statements, 44 have victim/witness information statutes, and 39 have notification procedures pertaining to the release of inmates in felony cases.

Although the Victim and Witness Protection Act of 1982 was the precipitating force behind many of these programs, subsequent Federal legislation, which provided support and funding for victim assistance programs, made it

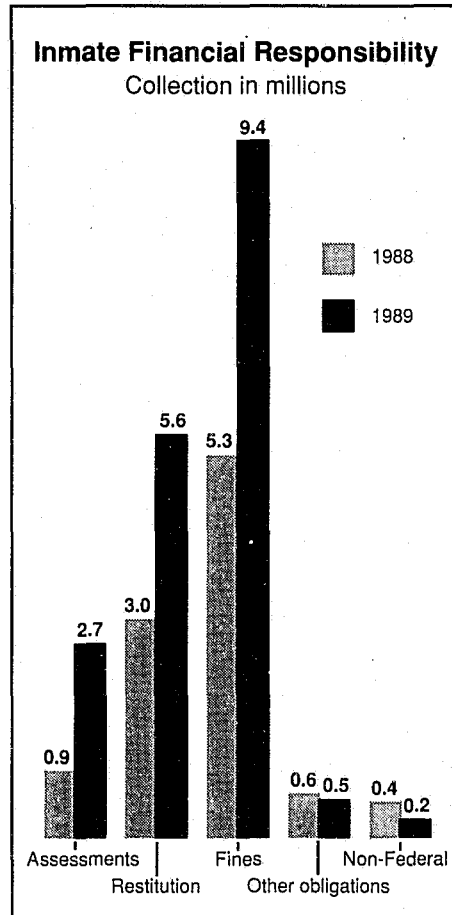
possible for the victims' movement to sustain its substantial growth and move into new areas.

Victims of Crime Act

The Victims of Crime Act (VOCA),⁵ passed by Congress in 1984, enabled States to expand and improve victim assistance programs throughout the Nation. The Act established the Crime Victims Fund (CVF), which consists entirely of revenues, not from taxpayers, but from Federal criminals; e.g., fines, penalty assessments, and appearance bond forfeitures. VOCA also enacted a notoriety-for-profit or "Son of Sam" provision, whereby a defendant's proceeds from the sale of literary rights and other profits arising from the crime may be claimed by victims or deposited in the Fund.

Each year since 1976, moneys deposited in the CVF have been set aside for grants to States to provide direct services to crime victims, including rape crisis centers, domestic violence shelters, victim/witness assistance units, child abuse treatment programs, payments for medical expenses (including mental health counseling), loss of wages attributable to physical injury, and funeral expenses attributable to a death resulting from a crime.

VOCA funds are administered by the Office for Victims of Crime (OVC), Office of Justice Programs, U.S. Department of Justice. OVC reports that in FY 1988, States received victim assistance grant funds totaling \$34,865,000. In FY 1989, \$43,492,000 was available for



State assistance programs. At approximately the same time VOCA was enacted, enforcement mechanisms for the collection of fines were passed into law in the form of the Criminal Fine Enforcement Act.⁶ Signed in October 1984, the act significantly increased maximum Federal fine limits and authorized U.S. Attorneys to assess interest on past-due fines.

As the Victim and Witness Protection Act established the foundation for the Bureau of Prisons' Victim and Witness Notification Program, the Victims of Crime Act and the Criminal Fine Enforcement Act laid the groundwork for the Bureau's Inmate Financial Responsibility Program.

Inmate Financial Responsibility Program

The Bureau's Inmate Financial Responsibility Program was first conceived and tested at the Federal Prison Camp, Big Spring, Texas, in 1985. Operating under the premise that inmates must be held accountable to society in general (fines, assessments, child support, etc.) and to victims in particular (i.e., restitution), staff began to closely monitor all inmates with court-ordered financial obligations. It was soon discovered that many inmates had the resources to satisfy their obligations at the time they were committed, while others were capable of earning significant wages while working in Federal Prison Industries (UNICOR) or on other institutional assignments.

In terms of correctional programs, a conscientiously managed program would permit inmates to make contributions toward their obligations while, at the same time, allowing staff to assess further their demonstrated level of responsible behavior. This level of behavior, also known as "financial responsibility," soon became a primary consideration in determining an inmate's suitability for privileges within the institution, as well as for community activities such as furloughs and halfway house transfers.

The program at Big Spring was viewed as extremely successful and was soon expanded as a pilot program throughout the Bureau's South Central Region. The Inmate Financial Responsibility Program was formally established nationwide (Program Statement 5380.1) in March 1987.