

Victims and Victim Advocacy in Montana

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Grace Call, Council of State Governments Justice Center

Engagement with Victims and Victim Advocates in Montana

Since Fall 2015:

20+ in person meetings and calls with victim advocates

Montana Board of Crime Control

Montana Coalition Against Domestic and Sexual Violence

Montana Crime Victim Compensation Program

Montana Department of Corrections, Victim Program

Ryan United

A victim survey was conducted

46 responses from victims, secondary victims and advocates

A focus group of 12 victims was hosted by the Department of Corrections

A focus group of victim advocates from Great Falls, Whitefish, Billings, Helena, Missoula and Butte was hosted at the Department of Corrections

“Somewhere, in our quest to advocate on behalf of the offender, we have come to see the victim as a barrier.”

Victim Focus Group and Survey

DOC focus group of 12 victim/survivors:

- 4 men
- 8 women
- Survivors of homicide, stalking, sexual assault, burglary and driving under the influence
- These survivors volunteer for DOC as part of the Victim Impact Panels

Survey:

- 46 participants
- Distributed by the coalition membership organizations and the DOC victim services program

Victims have unanswered questions about the criminal justice system and how and why decisions are made

I was not notified of offender's bond release.

We were never interviewed. No one knows how bad it really was.

My family feels lost and forgotten.

Plea bargains should always be at least reviewed by victims. Obviously not all victims will approve.

I was not aware of parole after ¼ sentence.

It would've been helpful to know the process and timeline.

I was never informed that I could actually give an impact statement. I wish I could've done this.

11 days to arrest him for my rape. And, I didn't know why.

Victims and advocates identified why they care about what happens to offenders beyond the criminal justice system

People who commit crimes return to the community.

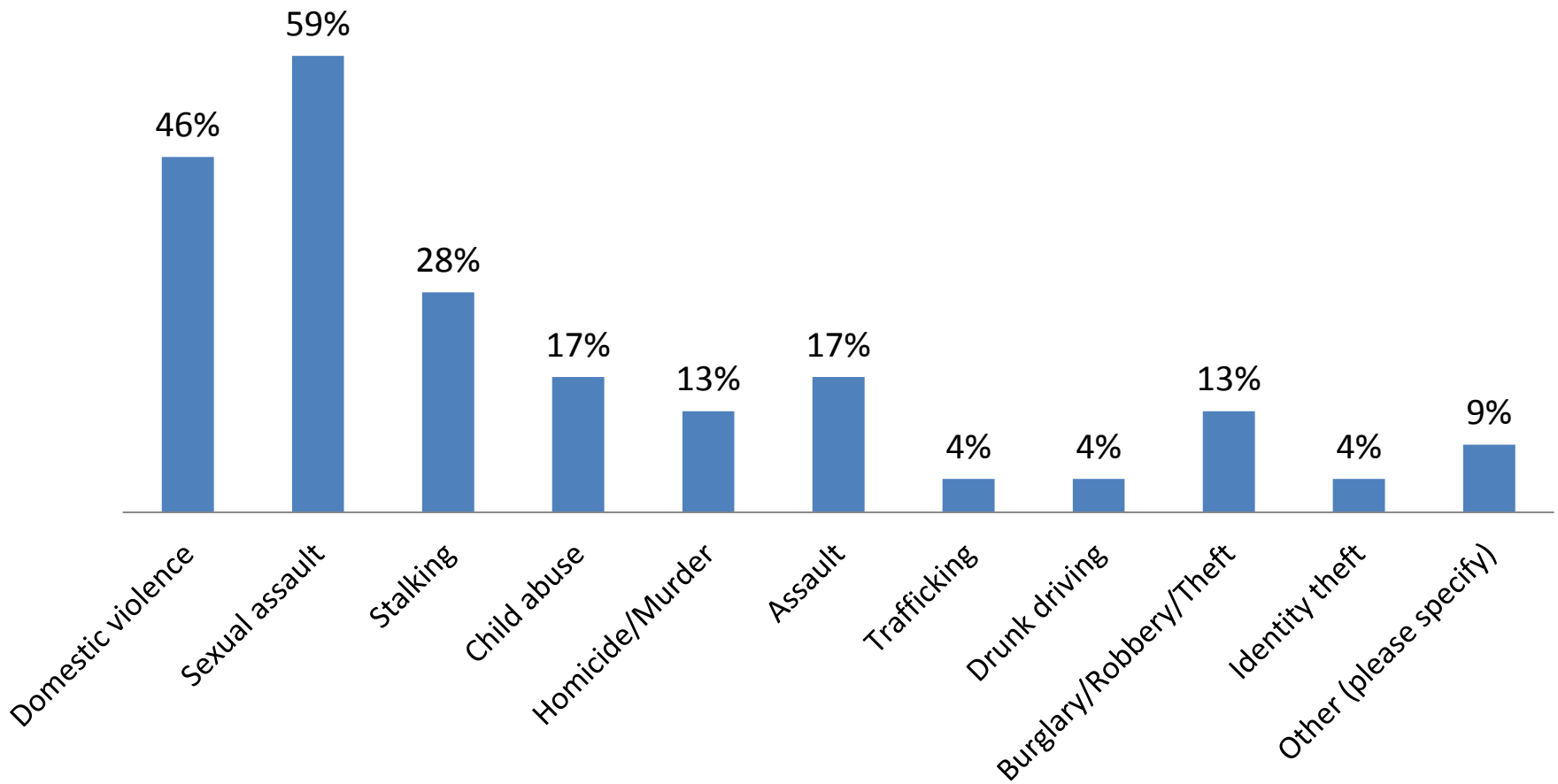
An offender's earning potential dictates whether the victim receives restitution.

The victim often knows the offender.

Criminal histories of victims can create barriers for resources and recovery.

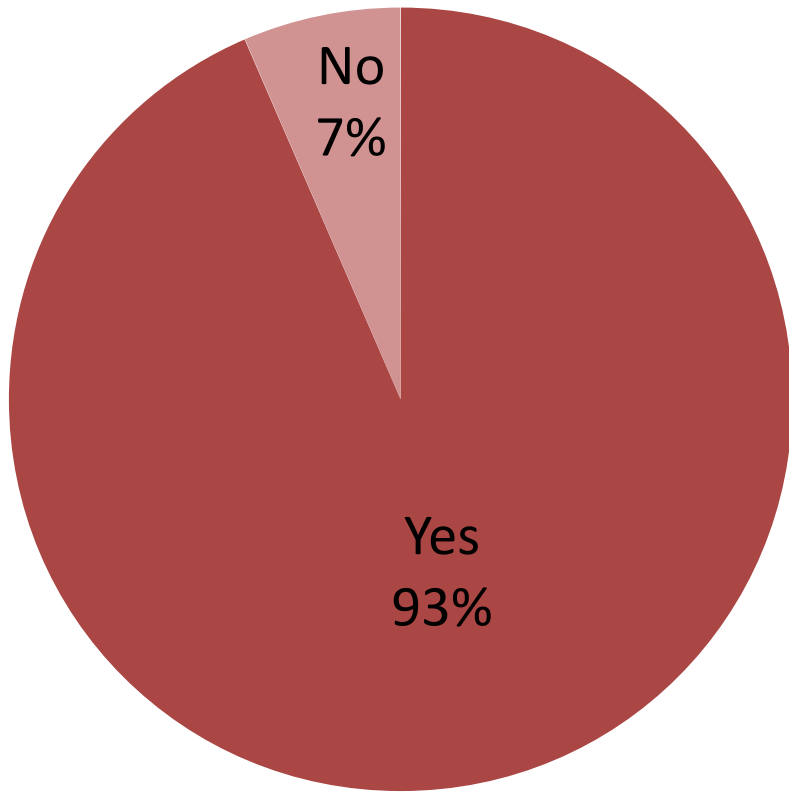
The victim and advocate are invested in ensuring there are no more victims.

Survey participants represented the voices and experience of many different types of crime victims



n=46

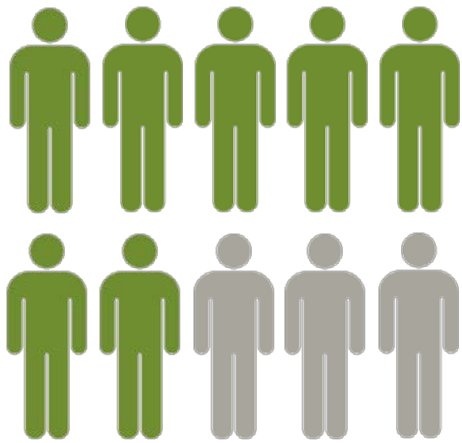
93% of survey respondents indicated they experienced anxiety, depression, stress, difficulty with sleeping, relationships, work or housing as a result of the crime



84% of these victims said they are “still recovering”

n=46

Victims in Montana support justice reinvestment principles



7 of 10 respondents want a criminal justice system that focuses on probation and rehabilitation

n=46

“Your questions regarding prisons are not yes or no answers. Some need to be incarcerated others need more treatment.”

“I feel that a lot of these questions are not mutually exclusive... While I do believe in rehabilitation and mental health care/behavioral interventions for offenders, I also believe that violent offenders must be held accountable for their actions and separated from the greater community if they pose a threat to public health.”

Themes from the Focus Group and Survey

Transparency

Victims want to know what's happening so they can predict and plan.

Accountability

Victims want to know that people who commit crimes will have to complete the terms of the treatment and/or sentence that is ordered.

Safety and Support

Victims want to know her or his sense of safety is important and efforts will be made to restore her or his security.



Today

01

Transparency

02

Accountability

03

Public Safety and Services

04

Needs of victims in the Justice
Reinvestment process

Victim Rights in Montana: Title 46, Criminal Procedure; Chapter 24, Treatment of Victims and Witnesses

Get notice, participate,
receive protection
from the accused, be
heard, get relevant
information, access
victim assistance,
access crime victim
compensation

NOTICE OF RIGHTS FOR VICTIMS OF VIOLENT CRIMES

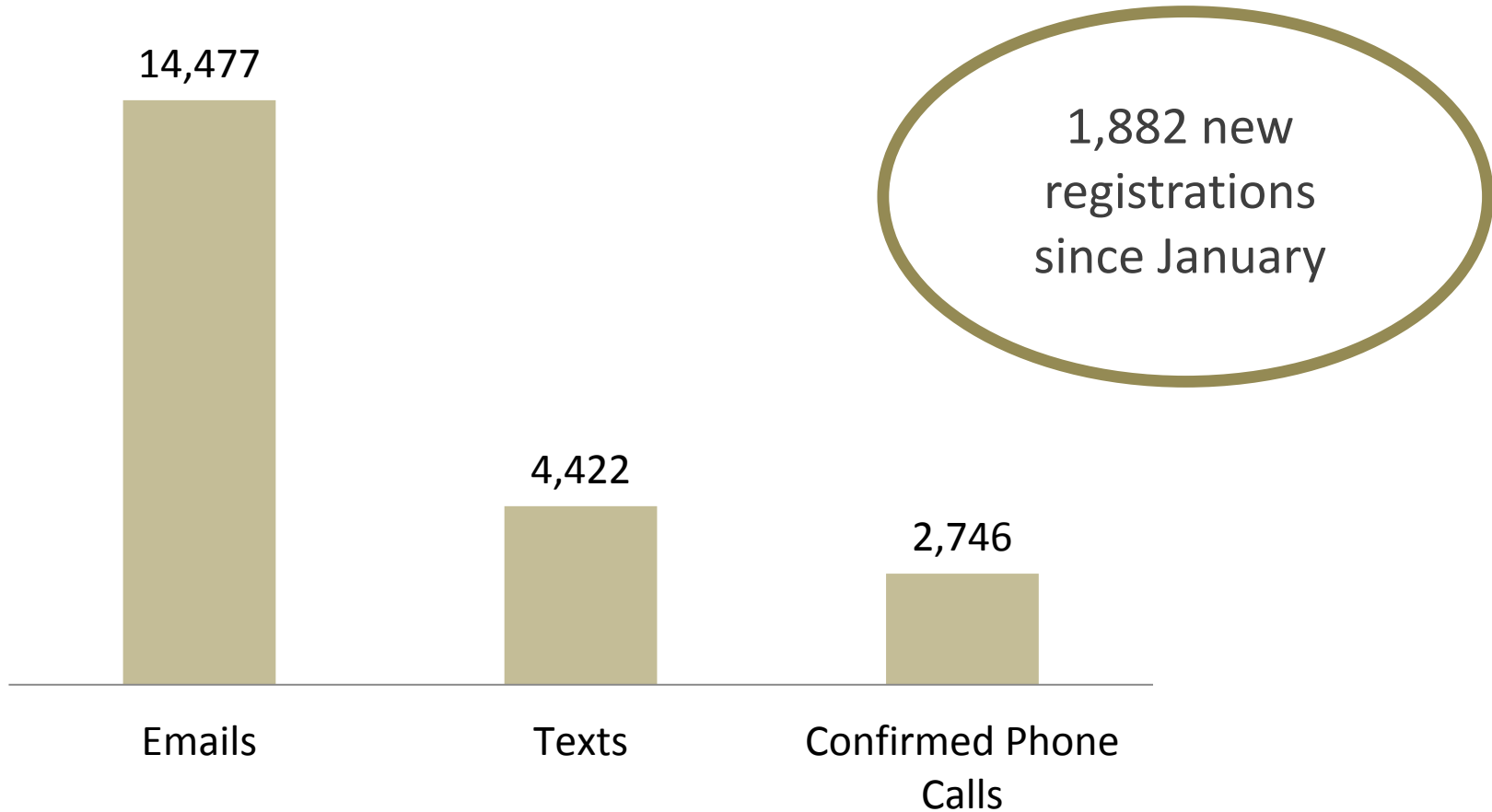
Criminal Charges: The City or County Attorney's office can file criminal charges against an offender if that person committed the offense of partner or family member assault, sexual assault, or any other crime against you.

Orders of Protection: If you are the victim of a violent crime, you may petition the court for an order that:

- (1) prohibits the offender from hurting you or threatening to hurt you;
- (2) directs the offender to leave your home and prohibits the offender from having any contact with you;
- (3) prevents the offender from transferring any property, except in the usual course of business;
- (4) prohibits the offender from being within 1,500 feet or other appropriate distance of you, any named family member, and your work site or other specified place;
- (5) gives you possession of necessary personal property;
- (6) prohibits the offender from possessing or using the firearm used in the assault.

If you file a petition in District Court, the District Court may order all of the above and may award custody of your minor children to you or to the other parent. The District Court may order visitation of your children between the parents. The District Court may order the offender to pay support payments to you if the offender has a legal obligation to pay you support payments.

Notification is an invaluable victim service. In 2016, an average of 183 notifications happen daily.





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02 Accountability

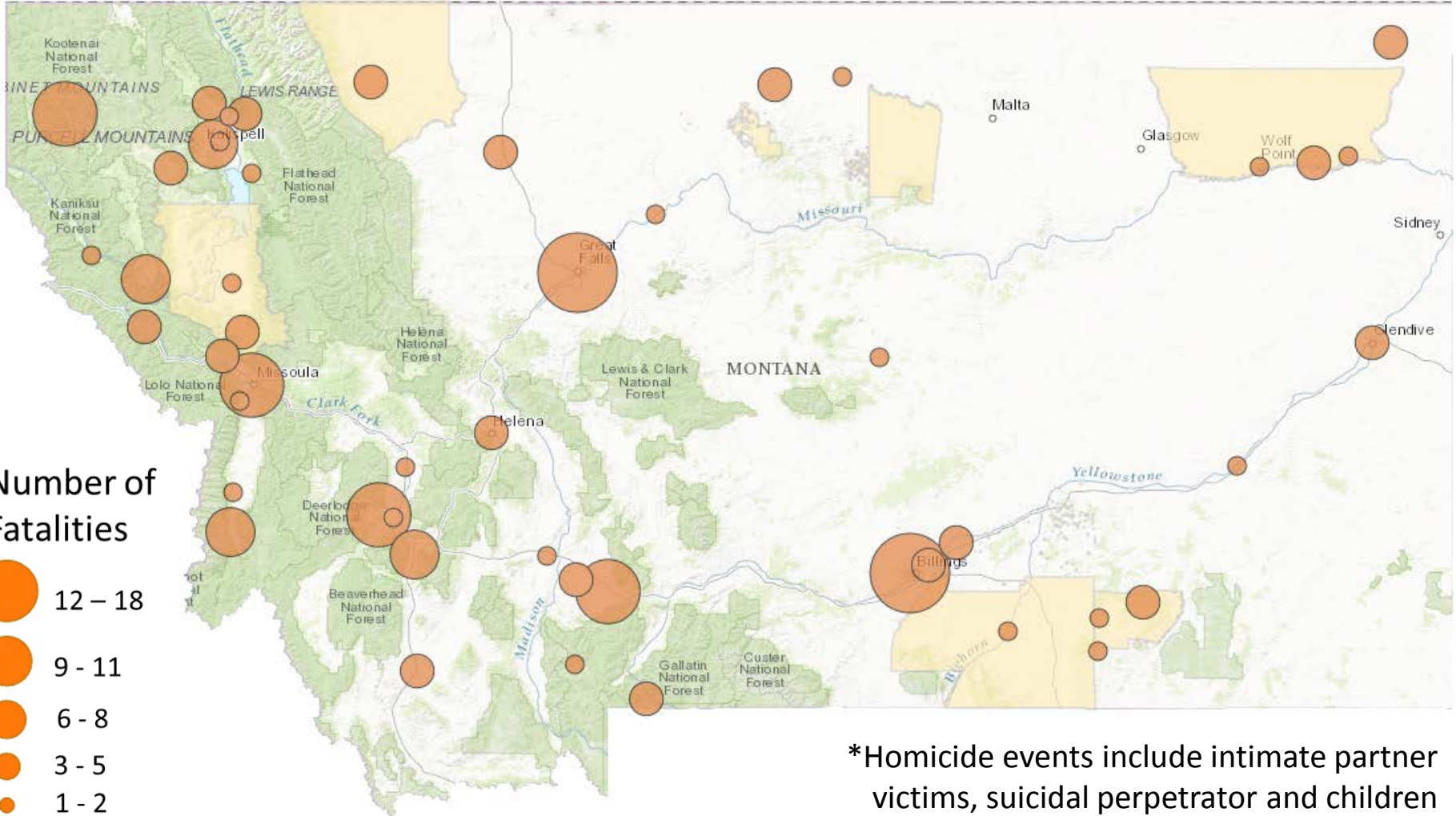
03 Public Safety and Services

04 Victims and the Justice
Reinvestment process

MDOC has collected \$29.9 million in restitution and \$3.6 million in court fees over the past 10 years



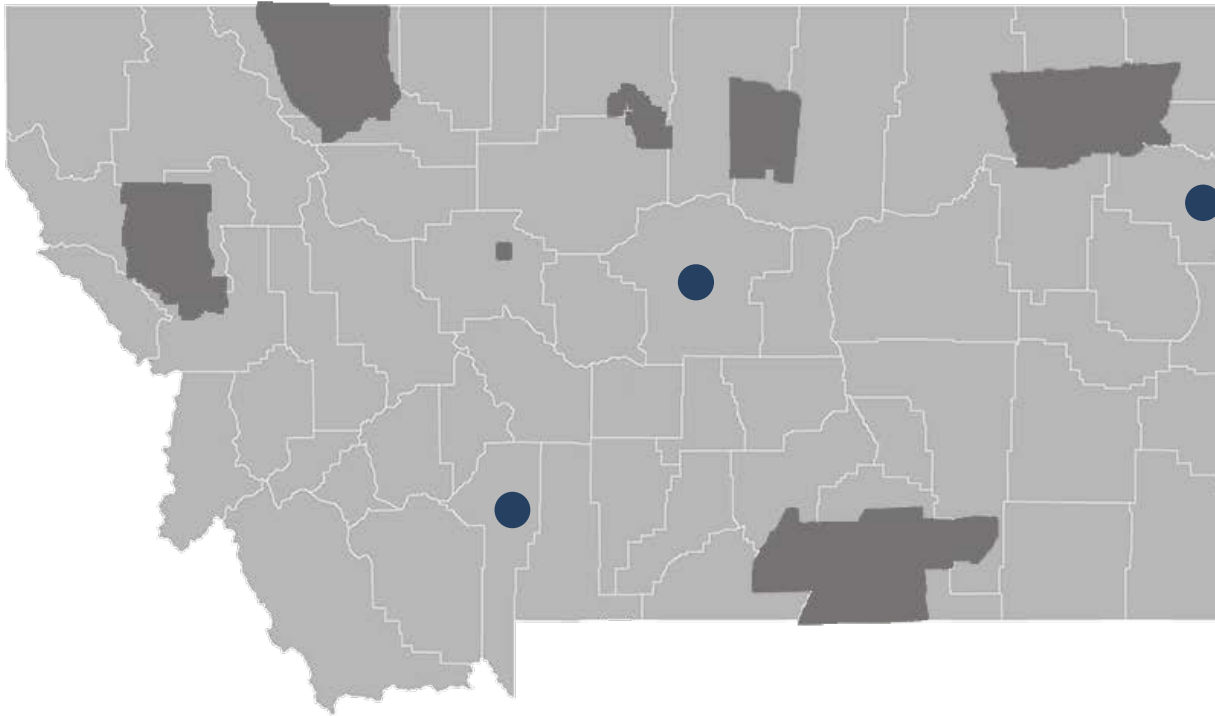
Since 2000, 156 people in Montana were murdered because of intimate partner violence



*Homicide events include intimate partner victims, suicidal perpetrator and children



\$110,000 in marriage license fees support three domestic violence supervision programs in the state

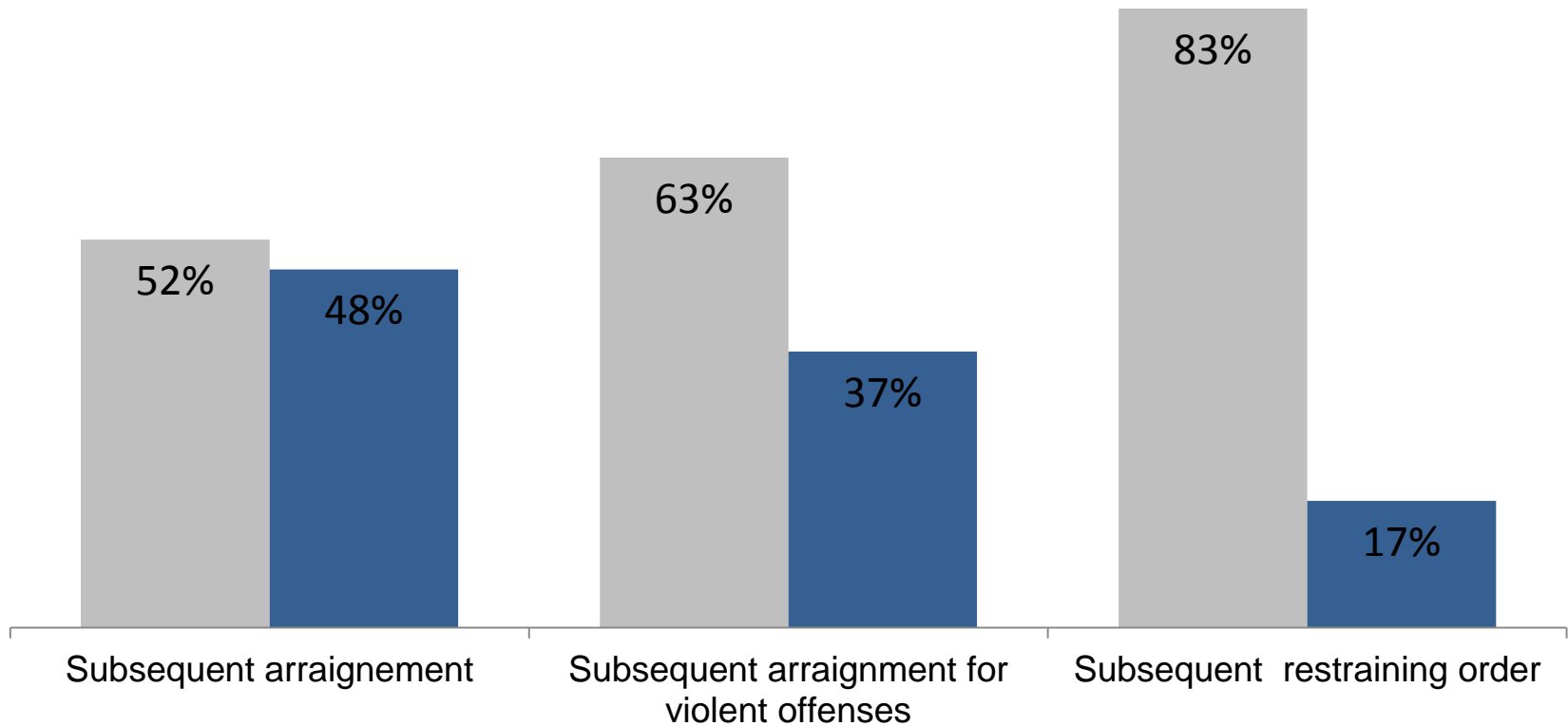


A Rhode Island study suggests supervision can **reduce the likelihood of reoffending**. The report also shows positive effects on victim satisfaction and offender accountability.

Batterer's intervention programs (BIP) have been shown to reduce harm at greater rates than anger management programs

Outcomes for Defendants Who Participate in BIP Versus Those Who Did Not

BIP PARTICIPANTS ■ OTHER DV DEFENDANTS ■



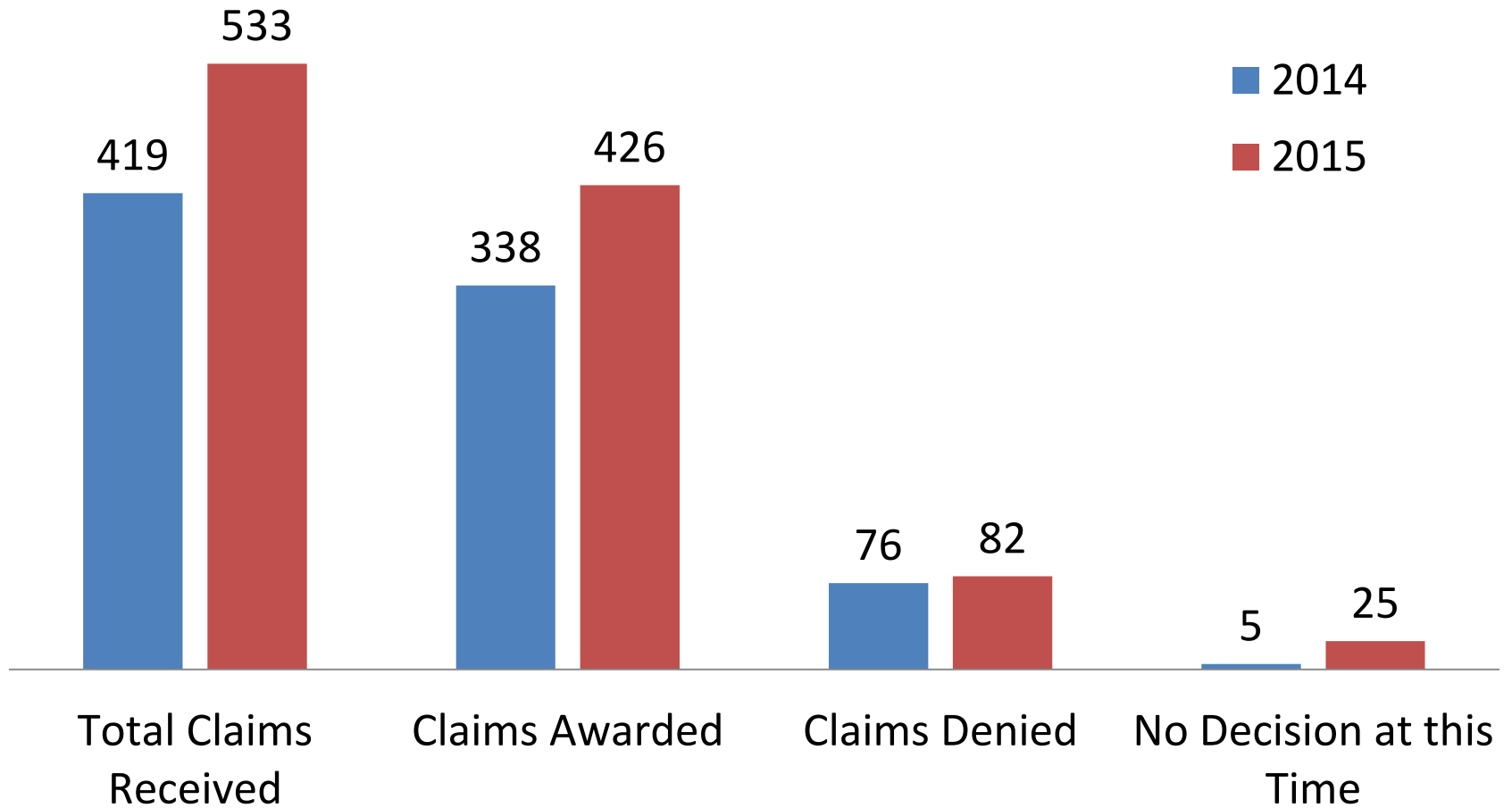
Bocko, S., C. Cicchetti, L. Lempicki, and A. Power. *Restraining Order Violators, Corrective Programming and Recidivism*. Boston, MA: Office of the Commission on Probation, November, 2004.



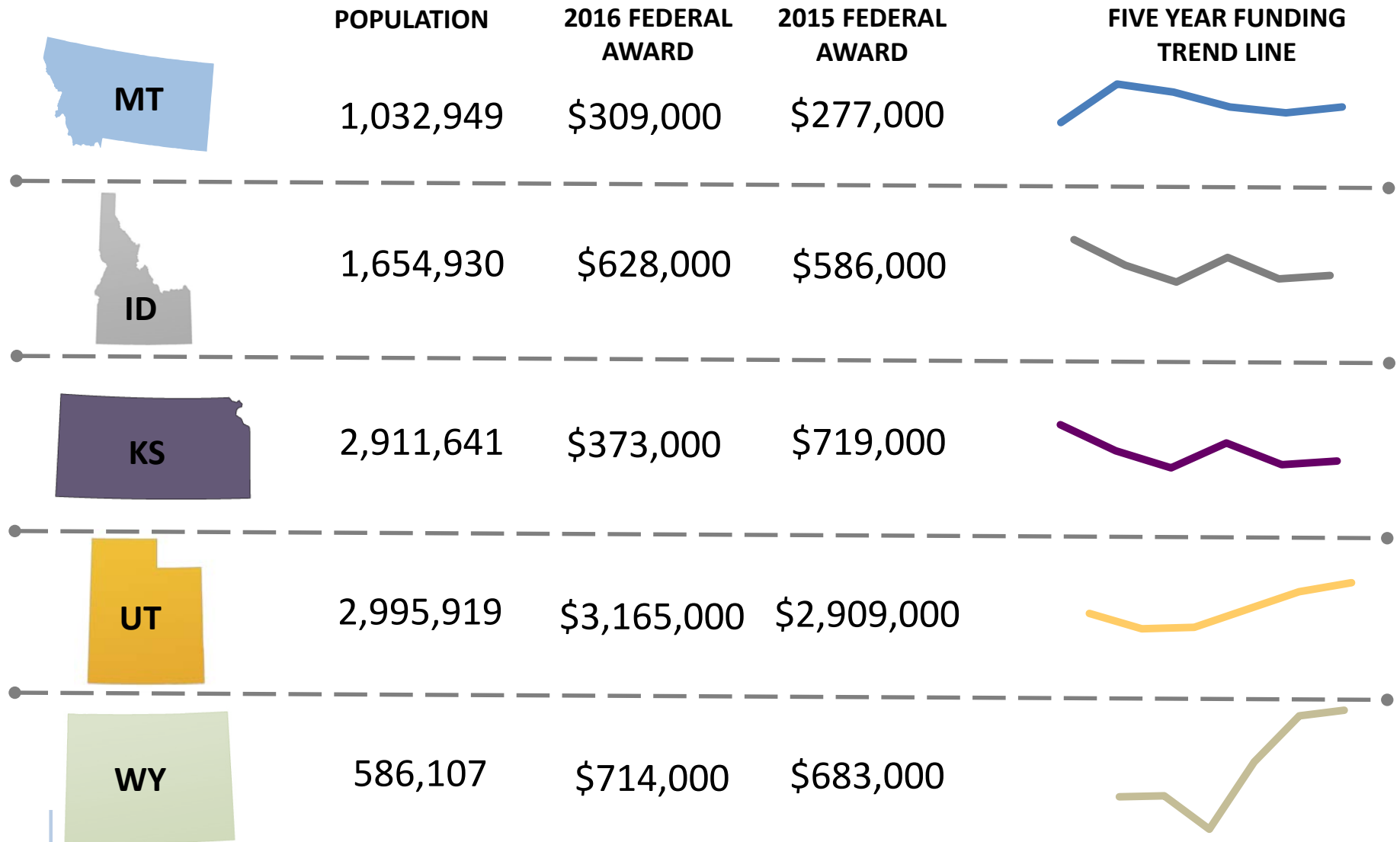
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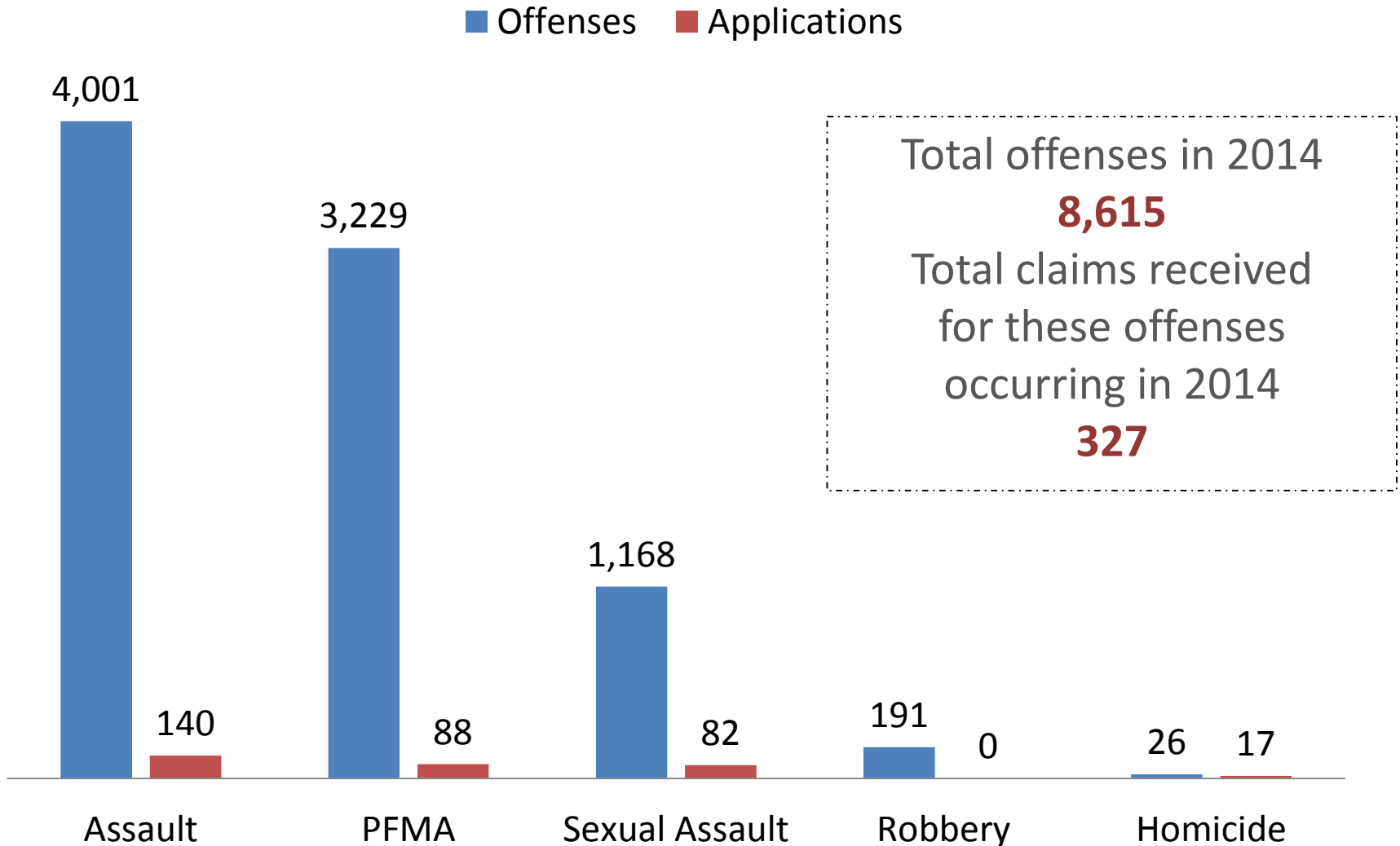
Crime Victims Compensation has seen growth in victim needs and applications



Compensation programs rely on state investments in order to improve the federal match awards.

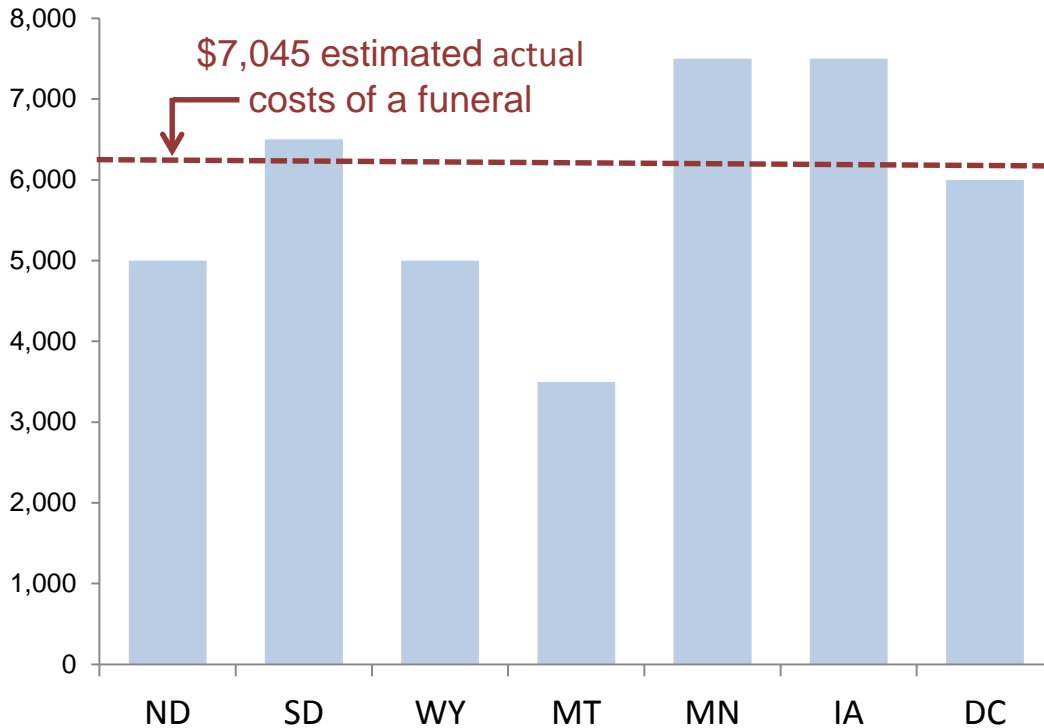


Only a fraction of people who report crimes, apply for help from the compensation program



Compensation benefits do not match the current needs of victims and their families

REIMBURSEMENT RATES FOR FUNERALS



Montana requires victims to file claim for compensation within **1 year** of the reported crime, compared to neighboring Utah with **no time restriction** for applying to the program.

| Types of Advocacy Programs in Montana



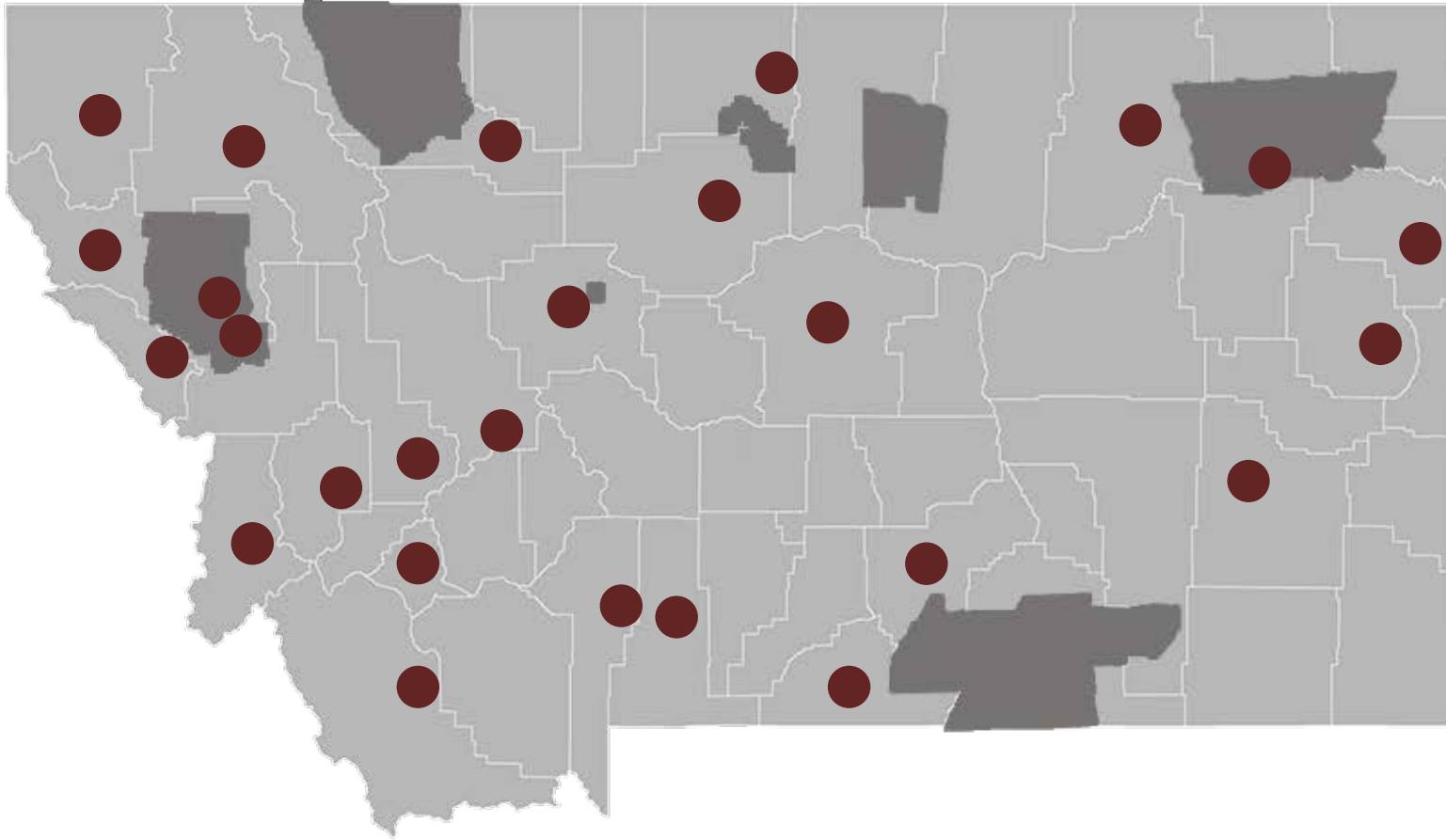
Community based advocacy agencies
(e.g. domestic violence shelters, rape recovery programs)

System based advocacy agencies
(e.g. victim/witness coordinators in a prosecutor's office or law enforcement agency)

Statewide agencies offering some direct victim services

- Montana Coalition Against Domestic and Sexual Violence
- Department of Corrections
- Department of Justice

Victim Service Providers and Programs in Montana





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***Public safety includes restoring the security
and safety of people who are harmed.***

Expand eligibility for crime victim compensation benefits.

Funeral: 30 beneficiaries x \$3,500 increase in benefit

Crime Scene Cleanup: 30 beneficiaries x \$1,000 average benefit

Relocation: 99 beneficiaries x \$1,000 average benefit

Mental Health: \$17,500, FY14 payout to secondary victims, doubled

Total reinvestment: \$251,500

Improve the quality of and access to batterer's intervention programs.

Creates a state-funded source for batterers' intervention programs (BIP)

Creates state standards to ensure quality and consistency of programming

Estimated award per program is \$25,000

Reinvestment total to grow to \$150,000 in FY2019

Doubles state resources available for supervision of domestic violence offenses

An additional \$100,000 investment by the state starting FY2018



JUSTICE REINVESTMENT

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

Thank You

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