

**DATE:** December 19, 2019

**TO:** Tennessee Criminal Justice Investment Task Force

**FROM:** National Crime Victim/Survivor Advocate Anne Seymour  
Consultant, Crime and Justice Institute (CJI)

**SUBJECT:** Victim/Survivor/Advocate Roundtables Summary Report and Priorities

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Crime victims, survivors and victim assistance professionals are important stakeholders in the work of the Tennessee Criminal Justice Investment Task Force (Task Force). Three Roundtable discussions were held in October and November 2019 to provide survivors and victim advocates with an overview of the Task Force's work to date and future activities; and to seek their input in establishing priorities for crime victims and survivors and those who serve them in Tennessee for review by the Task Force.

### **Overview**

Crime survivors' interests must be validated and heard in any process aimed at altering criminal justice policies and practices. As the CJITF's process advances, the voices of survivors should be central to policy development. In addition, their stated priorities (as documented in this Summary Report) should be considered for support from investment funds.

There were 21 survivors, advocates and justice professionals at the Denmark Roundtable on October 30; 20 at the Nashville Roundtable on October 31; and 27 at the Knoxville Roundtable on November 1. Participants at all three Roundtables represented crime survivors, community- and system-based victim assistance services, and state and Federal criminal justice officials. A list of Roundtable participants is included at the end of this memorandum. The Roundtables were facilitated by national crime victim/survivor advocate and CJI consultant Anne Seymour.

At all three Roundtables, Tennessee Voices for Victims Valerie Craig provided welcoming remarks. Molly Robustelli of CJI provided an overview of the Task Force's work and initial findings to date. These findings included:

- Tennessee's prison population has grown 12 percent over the last decade, impacted by a 23 percent increase in time served by felony offenders and a 28 percent decline in parole releases;
- Non-person offenses accounted for 74 percent of Tennessee's admissions to prison in FY 2018, including drug or property crimes;
- Approximately 5,000 admissions to prison in FY 2018 were the result of a parole or probation revocation, with over 50 percent of revocations in FY 2019 resulting from a technical violation or failed drug test;

- The number of offenders held in custody in state prison with a mental health issue increased 26 percent from FY 2016 to FY 2019; and
- The female prison population has grown 47 percent in the last decade, with 41 percent of the incarcerated female population serving in local jails where there are fewer treatment and programming opportunities.

The Task Force is very grateful to the Madison County Sheriff's Office, the Family Safety Center in Nashville, and the Family Safety Center in Knoxville for hosting the Roundtables; and to the Office of Criminal Justice Programs and Tennessee Voices for Victims for their assistance in planning and facilitating the Roundtables.

## Roundtable Priorities

There are 11 priorities identified by the victims, survivors, and victim assistance professionals who participated in the three Roundtables for consideration by the Task Force:

1. Every courthouse across the state should have designated, safe rooms for victims, survivors and their families to use during trials.
2. Expanded services and support are needed to protect children in domestic violence situations, and to prevent re-traumatization when an offender returns home and continues the cycle of violence.
3. Tennessee needs a coordinated, collaborative restitution management system that integrates *all* agencies that have responsibility for documenting, collecting and disbursing restitution payments – including courts, Department of Correction, Board of Parole, and probation.
4. Crime victims should be able to video-conference in from anywhere across the state to participate in parole hearings.
5. Guidelines should be provided to victims about what types of information constitute the most effective victim impact statement at parole hearings.
6. The Tennessee Department of Correction should implement the existing law that provides for electronic notification to victims.
7. Post-conviction victim advocates who can coordinate with court- and community-based victim advocates are needed to guide victims and survivors through the parole, reentry and community supervision processes, and offer survivor-centered reentry safety planning.
8. Comprehensive programming that is gender-responsive and trauma-informed is needed to help justice-involved women while incarcerated, and in wrap-around services upon their return to the community.
9. Improved oversight and expansion of Batterers Intervention Programs are needed to assess their overall effectiveness and any need for improvement.
10. There should be automatic community supervision for *all* inmates convicted of violent crimes who return to the community.
11. The unique needs of victims/survivors and offenders in rural communities should be recognized and addressed by collaborative efforts involving the community and the justice system.

## Victim/Survivor Services

### 1. Designated, safe rooms for victims, survivors and their families at courthouses.

Only ten courtrooms in Tennessee have victim/witness waiting rooms that are separate by sight and sound from defendants, their families and allies. Every courthouse across the state should have designated, safe rooms for victims, survivors and their families to use during trials.

### 2. Expand services and support to protect children in domestic violence situations

Concerns were expressed about gaps in protections for children who are involved in domestic violence situations. Expanded services and support are needed to protect children in domestic violence situations, and to prevent re-traumatization when an offender returns home and continues the cycle of violence.

Roundtable participants discussed the efficacy of the Family Safety Centers that are located in some Tennessee cities. The Tennessee Family Safety Center model is nationally renowned, and such Centers should be expanded across the state.

## Victims' Rights

### 3. Establish a coordinated, collaborative restitution management system

There were many specific suggestions to improve restitution management in Tennessee:

- Restitution should be the *first priority of payment* in Tennessee before general fines and fees.
- The length of time during which convicted defendants can be ordered to pay restitution should be extended.
- Unpaid restitution obligations should be automatically converted to a civil judgment, so that the victim does not have to pay any money to seek restitution that is due to them.
- Willful failure to pay restitution should be treated as a parole/probation violation with measures to hold the offender accountable for non-payment.
- Restitution should be a core component of any restorative justice programming in Tennessee.

Generally, Tennessee needs a coordinated, collaborative restitution management system that integrates *all* agencies that have responsibility for documenting, collecting and disbursing restitution payments – including courts, Department of Correction, Board of Parole, and probation.

#### **4. Allow parole hearing video-conferencing option**

There was strong consensus that release decisions should continue to be “victim-focused,” and that there should be more consistent use of victim impact statements to inform release decisions.

During in-person parole hearings, victims are forced to sit in the same small area with the family of the inmate. Ideally, crime victims should be able to video-conference in from anywhere across the state to participate in parole hearings. It was suggested that Family Safety Centers/Justice Centers can help facilitate this concept.

#### **5. Establish guidelines for victim impact statements at parole hearings**

Guidelines should be provided to victims about what types of information constitute the most effective victim impact statement at parole hearings.(Several national models are being provided to Tennessee for consideration).

#### **6. Implement electronic notification to victims**

Concerns were expressed about inconsistencies in the prison and parole notifications to victims and survivors. There is “very poor notification” to victims of inmate violations within prisons. The Tennessee Department of Correction should implement the existing law that provides for electronic notification to victims. Prior to an inmate’s release, the Board of Parole sends a letter to victims in a Department of Correction envelope and, often, inmates are released before victims receive the notification letter. Also, for violent crimes, the Board of Parole “should not be calling victims back every two-to-three years to review parole eligibility because it consistently forces survivors to relive that victimization, when the Board already knows they won’t be releasing that offender.”

#### **7. Establish post-conviction victim advocates**

Post-conviction victim advocates who can coordinate with court- and community-based victim advocates are needed to guide victims and survivors through the parole, reentry and community supervision processes, and offer survivor-centered reentry safety planning.

A considerable gap in victim notification occurs when a convicted defendant is deemed mentally incompetent and sentenced to a mental institution, where there are no provisions or systems to facilitate victim notification.

## Justice-involved Women

### 8. Establish gender-responsive and trauma-informed programming in prisons and jails

A large percentage of justice-involved women in Tennessee are incarcerated for offenses related to being victims of domestic violence or human trafficking; and prior victimization is a consistent factor in their lives. Women cope with acute and chronic abuse in different ways, including self-medicating with controlled substances that can lead to criminal justice involvement for property or drug offenses.

Currently, law enforcement lacks resources to review case histories and, in particular, previous histories of victimization of women who become incarcerated.

A survivor at the Roundtable who was also justice-involved stated that she was not offered any evaluation, assessment or access to treatment services while incarcerated. She recommended that programming for justice-involved women should include an assessment at intake based upon Adverse Childhood Experiences (ACEs), behavioral/mental health treatment, support groups, and human trafficking awareness education.

Other suggestions for programming for justice-involved women when incarcerated and upon return to the community include:

- Provision of trauma-informed, survivor-centered services that go beyond mental health and help women identify, understand and pro-socially cope with previous trauma in their lives.
- Wrap-around services in the community that address their needs as individuals, mothers, and people who want to have a positive impact on their community.
- Victim awareness programming that is gender-responsive and trauma-informed.
- Safety planning upon their return to the community from incarceration.
- A mentorship program in prison and within the community upon reentry.
- Additional transitional housing specifically for women.

The Freedom Inside Program, operating in the Knox County Jail with support from the Tennessee Office of Criminal Justice Programs, focuses on justice-involved women who have personal histories of trauma and violence. A full-time coordinator oversees case management, clinical support, and the teaching of evidence-based curricula that educate women both during and after their incarceration. This program should be considered for replication in other communities across Tennessee.

## **Sentencing, Programming and Treatment for Convicted Offenders**

### **9. Improved oversight and expansion of Batterers Intervention Programs**

Roundtable participants were interested in learning more about how inmates are classified; assessed for risk and need; and placed in distinct housing units within prisons.

In Tennessee, judges order defendants to complete certified programs (such as drug treatment and batterers intervention programs), but there aren't enough certified programs across the state to meet demand. Concerns were expressed that judges still order defendants in domestic violence cases to mediation or anger management, which poses great risk to victims over whom batterers have control.

There is limited understanding of the effectiveness of Batterer Intervention Programs in Tennessee. It was suggested that such programs conduct a standardized pre- and post-test to measure any behavioral or cognitive changes in program participants. In addition, programming should be available in the languages of participants. Improved oversight and expansion of Batterers Intervention Programs are also needed to assess their overall effectiveness and any need for improvement.

### **10. Ensure all inmates convicted of violent crimes undergo a period of supervision upon their release from prison**

Inmates whose sentences expire return to the community with no supervision. There should be automatic community supervision for *all* inmates convicted of violent crimes who return to the community.

#### **Other areas of concern:**

- Many offenses against persons – particularly domestic violence crimes – are pled down, leading to the conviction of a less serious offense, which can result in the crime being classified by TDOC as a non-person offense.
- Often, domestic violence offenses are charged with drug-related offenses rather than domestic violence offenses in order to be transferred to drug court, which offers “more surety” in sentencing. This action negates the state’s mandatory sentencing on domestic violence and batterer accountability; and removes the requirement of not allowing possession of firearms that accompanies a domestic violence conviction.
- While human trafficking is not categorized as a violent crime in Tennessee, such conduct is violent and should therefore be classified as a violent crime.

## **Needs Specific to Rural Communities in Tennessee**

### **11. Address unique needs of victims and survivors in rural communities**

The Knoxville Roundtable identified four needs specific to victims, survivors, and inmates returning from incarceration in rural communities:

- There is a lack of inmate programming in jails, including substance use disorder and mental/behavioral health treatment, due to a lack of resources and funding.
- Greater immediacy is needed to help victims who seek orders of protection to obtain them in a swift manner.
- Human trafficking is a significant problem in rural communities.
- It is often difficult to provide services for immigrant and undocumented victims, whose alleged and convicted perpetrators often threaten them with deportation if they report crimes and cooperate with the authorities. Victim services should be provided at undisclosed locations by service providers who are culturally similar and competent, without the presence of law enforcement.

The unique needs of victims/survivors and offenders in rural communities should be recognized and addressed by collaborative efforts involving the community and the justice system.

## Roundtable Participants

### Denmark, TN

October 30

Beth Anderson	WRAP
Jessica Barfield	Office of Criminal Justice Programs
Teresa Blakley	Union University
DeLaine Bottoms	Carl Perkins Center
Jennifer Brinkman	Office of Criminal Justice Programs
Sandy Bromley	CVRCC
Melanie Buchholz	Scarlet Rope
Daryl Charsuthus	WRAP
Valerie Craig	Tennessee Voices for Victims
Marianne Dunavant	Congressman David Kustoff
Brandon Gibson	Office of the Governor
Tiffany Graham	Scarlet Rope
Rachel Haaga	Restore Corps
Coasy Hale	Restore Corps
Daniel E. King	WTLS
Jennifer McCraw	Safe Hope Center
Amy McCullough	Shelby County District Attorney's Office
Nita Mehr	Union University
Julanne Stone	Scarlet Rope
Deborah Davis Williamson	CVRCC
Verna Wyatt	Tennessee Voices for Victims

### Nashville, TN

October 31

Jessica Barfield	Office of Criminal Justice Programs
Heidi Bennett	MNPD DV FIP
Jennifer Brinkman	Office of Criminal Justice Programs
MacKenzie Britt	DA's Office, Nashville
Becky Bullard	Nashville Office of Family Safety
Valerie Craig	Tennessee Voices for Victims
Tamika Dobbins	TN Department of Correction
Kellye Gilbert	Haven of Hope
John Hernandez	U.S. Attorney's Office
Sue Jones	TNDAGC
Diane Lance	Nashville Office of Family Safety
Kim Magee	22 <sup>nd</sup> DAG
Phaedra Olsen	Tennessee MADD

Kelly Hennessy Pierce	Tennessee MADD
Amy Stockwell	Upper Cumberland Family Justice Center
Amy G. Taylor	MNPD DV FIP
Darkenya W. Waller	Legal Aid Society of Middle TN and the Cumberland
Corina Ward	MNPD DV FIP
Julie Warren	Right on Crime
Verna Wyatt	Tennessee Voices for Victims

**Knoxville, TN  
November 1**

Fatima Ahdaoui	YWCA Knoxville and Tennessee Valley
Beth Appleton	FBI
Jessica Barfield	Office of Criminal Justice Programs
Joan Berry	Hope for Victims
Mike Berry	Hope for Victims
Jennifer Brinkman	Office of Criminal Justice Programs
Hannah Brinson	YWCA Knox and Tennessee Valley
Brandi Carson	KPD
Jessi Cleveland	OCCJP
Valerie Craig	Tennessee Voices for Victims
Amy Dilworth	Knoxville Family Justice Center
Zenobia Dobson	Zaenon Dobson Memorial Foundation
Jared Effler	8 <sup>th</sup> District Attorney General
Lana Frogge	Victim Coordinator, DA's Office 8 <sup>th</sup>
Christy Harness	Scott County Family Justice Center
Kim Hudson	Victim/Witness Coordinator, 4 <sup>th</sup> DAG Office
Wendy Jenkins	Chattanooga Family Justice Center
Catherine Jones	YWCA Knoxville and Tennessee Valley
David Kitts	KPD
Nora Monday	Community Health of East Tennessee, Family Services Center
Catherine Oaks	Helen Ross McNabb
Amy Russell	U.S. Attorney's Office
Jessica Shriner	Chattanooga Police Department Victim Services
Josh Smith	Criminal Justice Task Force
Terry Walker Smith	Moms Demand Action
Jeela S. Taylor	YWCA Knoxville
Kelly Weber	HOPE Center, 10 <sup>th</sup> Judicial CAC
Sayvion Whitaker	Chattanooga Family Justice Center
Elizabeth White	Community Health of East Tennessee
Verna Wyatt	Tennessee Voices for Victims