

VINE EW

MEMORANDUM

TO: BRUCE REED, ELENA KAGAN

FROM: TOM FREEDMAN, MARY L. SMITH

**RE: VICTIM INFORMATION AND NOTIFICATION EVERYDAY
("V.I.N.E.")**

DATE: NOVEMBER 18, 1997

SUMMARY

In June 1996, in conjunction with his support for a Victims' Rights Amendment, the President directed the Department of Justice (DOJ) to "adopt a nationwide automated victim information and notification system." Following the President's direction, DOJ established a working group to look into the matter. The working group produced a report that outlines what the DOJ currently does to notify victims. In addition, as part of the FY98 Budget, DOJ has allocated \$8 million for the FBI to try to create a software system to track victims. However, there is no immediate plan for a solicitation to be issued regarding software development.

Earlier this month, Governor Patton and Mrs. Patton from Kentucky met with Rahm Emanuel, Mickey Ibarra, Craig Smith, and Sylvia Mathews. In particular, the Governor highlighted that Kentucky has a statewide automated victim notification system called "Victim Information and Notification Everyday (V.I.N.E.);" that notifies self-selected victims when offenders are scheduled to be released from the state's prisons and jails.

Following is background on steps DOJ has taken with regard to victim notification, how it might fit with other DOJ programs, a description of the V.I.N.E. system, statistics on V.I.N.E., and other considerations.

I. BACKGROUND

- In connection with the President's support for a constitutional amendment for victims' rights, the President directed the Attorney General in June 1996 to "adopt a nationwide automated victim information and notification system," to work with other agencies to ensure victim participation, to "consider legislation that would prohibit employers from dismissing or disciplining employees who are victims of crime and whose participation as victims in criminal proceedings requires them to take time away from their employment," and to work with state officials to "achieve a uniform national baseline of protections for victims."
- In July 1997, DOJ developed a package of legislation that was sent to the Hill. As part of

this package, DOJ proposed a bill entitled the "Victims' Rights Act of 1997." Section 2 of this proposed bill included a automated victim information and notification system. This bill was never introduced.

- Kim Lesnek, who is a member of the DOJ working group on victims' rights, reports that DOJ has done an assessment of current victim notification within the Department. The Bureau of Prisons currently notifies only victims of violent crime on escapes, parole hearings, and release dates.
- The DOJ working group considered the V.I.N.E. system, but did not pursue it. DOJ thought that the V.I.N.E. system did not meet its obligations under current law to make its "best efforts" to notify victims at various stages of federal proceedings. One of Ms. Lesnek's main concerns about the V.I.N.E. system was that it required victims to register in the system, and the working group had read current federal law restrictively to require the federal government to proactively contact victims. However, when questioned, Ms. Lesnek admitted that currently federal prosecutors rely on victims to return completed forms, acknowledging that they want to be notified. Accordingly, current federal practice is not that much different in concept from the V.I.N.E. system. Ms. Lesnek indicated that the working group would be willing to take another look at the V.I.N.E. system.
- As part of the FY98 appropriation, DOJ received \$8 million to look into developing a computerized victim-notification system that would link the Bureau of Prisons, the U.S. Attorneys' Offices, and the Executive Office of the U.S. Attorneys. However, the working group needs to meet again to actually decide how DOJ will spend the money for developing this system. It had been anticipated that the FBI would take the lead in the development. The FY98 budget also allocated funds for approximately 93 new positions to perform victim notification in the U.S. Attorneys' Offices. These positions perform much of the notification by mailing out notices.
- The Victims' Rights Working Group has discussed the possibility of working with the federal debt collection team at DOJ in the future. Kathleen Hegerty of the Justice Management Division at DOJ reports that it expects to award a contract for development of software to collect federal **civil** debt only in January 1998. This software would be installed at the Executive Office of the U.S. Attorneys, the U.S. Attorneys' Offices, Main Justice, and any Justice field offices. For instance, if these systems were able to talk to each other, the FBI could code in the victims' names at the investigation stage, which could then be used to notify them at later stages in the proceedings such as when judgment is awarded and when the defendant is released from prison.

II. DESCRIPTION OF V.I.N.E.

- Information about inmates housed in local jails, adult correctional facilities, and certain juvenile facilities is available 24 hours a day, seven days a week. Through computer

generated telephone calls, all registered persons will be contacted a predetermined telephone number when an inmate is scheduled for release or if an inmate escapes from custody. In addition to victims, law enforcement agencies and the general public have access to housing locations and release information through the 24-hour telephone service.

- **Information available through V.I.N.E.**
 1. **Status:** If not in custody, the date the inmate was released will be given.
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 3. **Parole eligibility:** If applicable, the next scheduled hearing date will be given.
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- **System Security.** The V.I.N.E. system allows each person to register two telephone numbers. The system requires the victim to leave a four-digit, personal identification number (PIN). Use of the PIN is the only way to halt the notification calls.
- **Victim Confidentiality.** The inmate will not know who is registered under the system. Victims can register anonymously. The victims' names are never in the system.

III. STATISTICS (from the V.I.N.E. materials)

- There are presently 3000 correctional facilities that would need to be connected to a computer system in order to achieve national coverage for victims that wish to be notified. A national system would include smaller county jails in addition to state penitentiaries and large jails. 50% of the jails in this country are small facilities.
- At present, Kentucky states that its V.I.N.E. system monitors approximately 170,000 of the country's approximately 1,000,000 inmates.
- Kentucky estimates that a national V.I.N.E. system would cost approximately \$14.5 million to connect all states' correctional facilities and \$24.8 million to operate annually

thereafter. This estimate seems low.

- Based on its own experience, Kentucky estimates that a national system could be operational within 24 to 36 months from the initiation of the funding.
- The development of a national database of inmates could be used for other purposes in addition to victim notification. For instance, the Social Security Administration could use this information to suspend benefits to inmates who are housed in county jails. In addition, the information could be used to alert states to collect child support payments when inmates are released.

IV. OTHER CONSIDERATIONS

- Kentucky reports that it has not experienced any complaints similar to those surrounding the notification in Megan's law, perhaps because here the notification occurs while the inmate is still incarcerated.
- Kentucky reports that it has experienced no liability problems such as victims suing the state or correctional facilities.



VINE ew

OFFICE FOR WOMEN'S INITIATIVES AND OUTREACH

TO: Mary Smith

FAX: 456 - 7431

DATE: 11-21-97

NUMBER OF PAGES (including cover sheet): 9

FROM:

☒ Audrey Tayse Haynes, Director
☐ Sondra Seba, Agency Representative
☐ Robin Leeds, Agency Representative
☐ Other _____

NOTES: Here are the letters to Post on Hate Crimes
and a letter from Ky Gov's Office on VINE.
It indicates that you were CCed., but I'm
not taking any chances!
Have a nice weekend

THE WHITE HOUSE
OFFICE FOR WOMEN'S INITIATIVES AND OUTREACH
708 JACKSON PLACE, NW
WASHINGTON, DC 20503
PHONE: (202) 456-7300 FAX: (202) 456-7311

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COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

PAUL E. PATTON
GOVERNOR

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SUITE 100
FRANKFORT, KY 40601
(502) 564-2611
FAX: (502) 564-2517

November 11, 1997

Rahm I. Emanuel
Deputy Chief of Staff
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20502

Dear Mr. Emanuel:

Skipper Martin, Governor Patton's Chief of Staff, asked me to update you on the outcome of the meeting which Mrs. Patton and I held last week with Mary Smith, Audrey Haynes and Bonnie Campbell regarding Kentucky's V.I.N.E. System. We appreciated the opportunity to talk about the program and the Governor and Mrs. Patton's proposal to expand it nationally. Mrs. Patton and I certainly left the meeting with the feeling that everyone shared our enthusiasm for the extraordinary protection which a national V.I.N.E. System would afford crime victims.

As Governor Patton explained in his October letter to President Clinton, Kentucky's V.I.N.E. System (an acronym standing for victim information and notification everyday) was developed after the 1993 murder of a young woman named Mary Byron who was killed by the man who had raped her when he was released from a county correctional system without her knowledge. In the year following her death, county officials in Jefferson County, Kentucky, responded to her murder by creating a computerized system which notified victims when offenders were to be released from the local jail. In April 1996, Governor Patton signed legislation to expand the county program statewide to include all the state's jails and prisons, making Kentucky the only state in the country to provide a statewide automated victim notification system.

The Governor and Mrs. Patton believe that the V.I.N.E. System would be most effective if it were expanded to a national program. As Mrs. Patton and I explained in the meeting last week, several reasons to expand the program include:

- ☐ There are presently 3000 correctional facilities which need to be hooked into the system in order to achieve total national coverage for victims who wish to be notified. A national program would ensure that all facilities are included, rather than just state penitentiaries and large jails. This is particularly important, because fully 50% of the

Letter to Rahm I. Emanuel

November 11, 1997

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jails in this country are small facilities. These are the facilities which are not likely to have the resources to come on-line unless they are participating in an organized national program. (NOTE: At present, the Kentucky V.I.N.E. System monitors approximately 170,000 of the country's 1,000,000 inmates.)

- ☐ A national system is more cost effective than requiring each state and local jurisdiction to create its own software, technical assistance package and other supports. Based on the Kentucky experience, we estimate that a national V.I.N.E. System would cost approximately \$14.5 million to bring all states on-line and \$24.8 million to operate annually thereafter.
- ☐ Organizing a national program would significantly speed the time within which victims across the country would be ensured the right to be notified. Based on the Kentucky experience, we estimate that a national program could be operational within twenty four to thirty six months from the initiation of funding.
- ☐ A national program could lead to a standardization in the usage of victim-related information to ensure that address or other identifying information related to victims would not become available to offenders.
- ☐ A national program would mean development of a national database of inmates which could be used for other governmental purposes. For example, the Social Security Administration could use this information to suspend benefits to inmates who are housed in county jails.
- ☐ A national program could lead to development of standardized training and technical assistance programs for correctional facilities and victim advocates. If the program were the same in each state, it would facilitate development of model training programs, not just on the system, but overall for advocates on how to use technology.
- ☐ A national program could lead to development of national media campaigns related to the availability of victim notification. It has been our experience in Kentucky that one of the greatest challenges continues to be letting communities know of the availability of the system.

I understand from both the Governor and Mrs. Patton that you expressed significant interest in the V.I.N.E. System and its innovative pairing of technology and victim assistance. We are

Letter to Rahm I. Emanuel
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certainly available at your convenience to provide further briefing or to answer any questions which you might have regarding our state program and its national potential.

Sincerely,



Carol E. Jordan, M.S.
Executive Director
Governor's Office of Child Abuse and
Domestic Violence Services

pc: Sylvia Matthews
Fred Duvall
Mary Smith
Audrey Haynes
Bonnie Campbell
Andrew "Skipper" Martin

MEMORANDUM

TO: RAHM EMANUEL

FROM: TOM FREEDMAN, MARY L. SMITH

**RE: VICTIM INFORMATION AND NOTIFICATION EVERYDAY
("V.I.N.E.")**

DATE: JANUARY 5, 1997

SUMMARY

- In June 1996, in conjunction with his support for a Victims' Rights Amendment, the President directed the Department of Justice (DOJ) to "adopt a nationwide automated victim information and notification system." Following the President's direction, DOJ established a working group to look into the matter. The working group produced a report that outlines what the DOJ currently does to notify victims. In addition, as part of the FY98 Budget, DOJ has allocated \$8 million for the FBI to try to create a software system to track victims. However, there is no immediate plan for a solicitation to be issued regarding software development.
- Earlier this month, Governor Patton from Kentucky met with you, Mickey Ibarra, Craig Smith, and Sylvia Mathews. In particular, the Governor highlighted that Kentucky has a statewide automated victim notification system called "Victim Information and Notification Everyday (V.I.N.E.)" that notifies self-selected victims when offenders are scheduled to be released from the state's prisons and jails.

II. RECOMMENDATIONS

- The President could again emphasize his support for victims' rights in the State of the Union. He could talk about the development of the federal computer-generated victim notification system, highlighting the success that Kentucky and Governor Patton have had.
- Governor Patton would like to submit a proposal at the National Governors' Association meeting at the end of February. He would like the President's support for such a proposal.
- The DOJ Working Group could meet with the V.I.N.E. people again in order to consider using V.I.N.E. as a model for the system that they are developing.

II. DESCRIPTION OF V.I.N.E.

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III. STATISTICS (from the V.I.N.E. materials)

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- At present, Kentucky states that its V.I.N.E. system monitors approximately 170,000 of the country's approximately 1,000,000 inmates.
- Kentucky estimates that a national V.I.N.E. system would cost approximately \$14.5 million to connect all states' correctional facilities and \$24.8 million to operate annually thereafter. This estimate seems low.
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