

New Hampshire Department of Corrections

Protocols

for

Victim-Offender Dialogue

- Goal & Objectives
- Principles of Victim-Offender Dialogue
- Definitions
- Facilitator Skills, Training & Selection
- Dialogue Process and Procedures
 - Case Prerequisites
 - Case Processing
 - Case Documentation



New Hampshire Department of Corrections
Victim Services

PROTOCOLS FOR VICTIM-OFFENDER DIALOGUE

GOAL:

The purpose of Victim-Offender Dialogue (VOD) is to support justice and healing by empowering victims and survivors to meet with the offender and address the personal impacts of violent crime.

OBJECTIVES:

- ❑ To offer interested victims and survivors of violent crime an opportunity to meet with their offender in a safe environment.
- ❑ To offer an opportunity for the victim and offender to discuss the crime and its impact, get answers to their questions and express their feelings, as part of a healing and recovery process.
- ❑ To encourage interested offenders to express remorse, develop empathy and accept full responsibility for the harm caused to the victim and family.

PRINCIPLES OF VICTIM-OFFENDER DIALOGUE:

- ❑ When initiated by the victim or survivor, a facilitated discussion with the offender can be helpful in moving forward in the aftermath of violent crime.
- ❑ Victims and survivors requesting meaningful dialogue with the offender should be respected and offered the opportunity to meet, consistent with safety and security needs.
- ❑ Participation by the victim/survivor and offender is voluntary and may be terminated at any time by either party or facilitator(s).
- ❑ A facilitator, trained in victim-offender dialogue in cases of severe violence, will support a genuine dialogue in which the participants are actively engaged.
- ❑ Presenting choices to the participants promotes personal empowerment.
- ❑ A victim sensitive, structured process can neutralize status and power, providing an environment conducive to meaningful dialogue in highly emotional circumstances.
- ❑ Extensive preparation for both participants and facilitators is critical to the success of the dialogue.

DEFINITIONS:

Facilitator: One who is trained and skilled at making dialogue easier between a crime victim/survivor and offender, during a structured process which neutralizes status and power, in an environment conducive to meaningful discussion under highly emotional circumstances. A facilitator does not promote reconciliation, settlement, or compromise.

Ground Rules: Through discussion with the victim and offender, the co-facilitators define standards of behavior for the dialogue sessions; ground rules may include, but are not limited to, no name-calling, no emotional or physical violence, respectful listening, one speaker at a time, and others defined by the parties.

Guilt: Acknowledging responsibility for the victimizing behavior which harmed the victim.

Participant Consent Form: The victim/survivor and offender must each voluntarily agree to the process as described, release NHDOC and the VOD facilitators from any liability, and declare that it is not their intention to cause physical or emotional harm to any party associated with the VOD process.

Stakeholders: The victim/survivor, the offender, their supportive resources, and justice-related agencies that know the participants and can contribute to the outcome of a VOD.

Support Person: A responsible individual whom the victim/survivor and the offender may choose to attend (i.e. observe) the VOD process, consistent with correctional security needs. The co-facilitators may deny participation by a support person identified by either party if the other party voices a reasonable, articulated concern about that person's presence during the preparation or dialogue. The relationship between a participant and his/her support person need not be disclosed to the other participant. A support person shall not be currently under jurisdiction of the NHDOC.

Victim/Survivor: A person who suffers direct or threatened physical, emotional, psychological or financial harm as a result of the commission or attempted commission of a crime. This includes the immediate family of any victim who was a minor or incompetent at the time of the offense, or the immediate family of a homicide victim.

VOD Steering Committee: Stakeholders collaborating with the Victim Services Office in the development, implementation and evaluation of Victim-Offender Dialogue. The committee includes representatives of victims/survivors, victim-witness advocates, mediation agencies, correctional facilities and probation-parole officers.

VOD FACILITATOR SKILLS AND TRAINING:

Qualities include:

Caring	Objective, Neutral	Patient
Supportive	Honest, Trustworthy	Flexible
Effective Listening	Direct	Experienced
Genuine	Professional	Knowledgeable
Empathic	Confident	

Skills include:

Generalist ("helping skills," as above)

Specialized Skills

- Understanding victimization and phases of grief/recovery
- Dealing with grief and loss (own and others)
- Understanding post-traumatic stress
- Understanding the painful journey of participants
- Facilitation skills (facilitating direct and frank dialogue)
- Understanding the offender/inmate experience
- Ability to relate to violent offenders in a nonjudgmental manner
- Ability to assess offender genuineness about VOD participation
- Interviewing skills (e.g. open-ended questions, non-verbal cues, objectivity)
- Ability to collaborate with therapists, corrections staff and other stakeholders
- Understanding the criminal justice and corrections systems
- Crisis intervention skills
- Accepting feedback through peer consultation

Advanced Training for VOD Facilitators (30 hours):

➤ The Victimization Experience

- Understanding impacts of severe violence (physical, emotional, financial harms)
- Victim trauma
- Grief and Recovery
- Post-traumatic stress

Victim Impact Panel (differing viewpoints; survivors of homicide, sexual abuse, domestic violence)

Needs and implications for VOD practice

➤ The Offender Experience

Violent crime, contributing factors

Power and Control issues

Justice system and prison environments

Needs and implications for VOD practice

Prison tour and panel of inmates (violent crime)

➤ Victim-sensitive Victim-Offender Dialogue

Community justice framework

Humanistic model of dialogue

Paradigm of Healing

Empowerment, mutual recognition

Adapting to diverse populations

Compassionate listening

Spirituality issues

Multi-system assessment and planning

Self-assessment and centering of facilitators

Case Preparation

Collaboration

Case management and documentation

➤ Multiple Case Study Analyses

VOD Facilitator Selection Requirements:

➤ Submit completed *VOD Application for Facilitator* to the Victim Services Office

➤ Prior basic victim-offender dialogue training and experience OR related human services training and experience with victims and offenders

➤ Criminal record check (does not automatically exclude eligibility as a VOD Facilitator)

- Shall not be currently under NHDOC jurisdiction
- Personal interviews are scheduled with qualified candidates
- Shall agree to at least one year post-training availability for VOD services
- Shall successfully complete advanced training for VOD in Cases of Violence
- Submit a signed *Facilitator Service Agreement* with the NHDOC Victim Services Office
- Shall participate in at least 4 of 6 Peer Consultation/Case Review meetings each year as determined by the NHDOC Victim Services Office and VOD Steering Committee
- Shall agree and maintain appropriate confidentiality (see NHDOC Policy & Procedure Directive 1.40)
- Community volunteers shall be approved as NHDOC Short-term Volunteer (see NHDOC Policy & Procedure Directive 2.24)
- Final selection of VOD facilitators is determined by the NHDOC Victim Services Office

PROCESS AND PROCEDURE FOR VICTIM-OFFENDER DIALOGUE:

CASE PREREQUISITES:

Victim Initiated: It is the practice of the NH Department of Corrections to pursue victim-offender dialogue only for requests initiated by a crime victim or survivor.

Voluntary: Participation of both the victim and offender is voluntary. Either party may choose to discontinue participation anytime during the preparation, dialogue or follow-up phases of the program.

Offender Responsibility: For an offender to participate in a dialogue, s/he must admit guilt and accept full responsibility for the victimizing behavior, as determined by the co-facilitators during the preparation phase.

Offense Date: The length of time passed since the crime is considered in determining whether a case continues into a formal victim-offender dialogue. There is no mandated timeframe. Offense-related court proceedings must not be pending. No case shall move to the dialogue phase if the victim services coordinator, victim-witness advocate, or facilitator believes it is too soon after the crime for the parties to engage in meaningful dialogue. In the event the victim/survivor or offender objects to that determination, either party may request review by the Victim Services Office and the VOD Steering Committee.

Legal Status:

- Victim-Offender Dialogue is not a condition of sentencing, reduced custody or parole release.
- Offender participation in the dialogue process shall not effect the offender's legal status, including prison classification level, parole release date, or probation/parole supervision.
- Outstanding criminal or civil "no contact" orders issued by any Court or the Adult Parole Board must be modified or rescinded, for the limited purposes of VOD as approved by the Department, during the preparation phase before a face-to-face dialogue occurs.

Confidentiality: Information shared during the VOD process is confidential and is not considered public record. The parties, the facilitators, and the NH Department of Corrections are not authorized to release confidential information without written consent of the parties (See NHDOC Policy & Procedure Directive 1.40).

CASE PROCESSING:

I. Referral and Preliminary Assessment

- A. The victim/survivor may make a referral to the NHDOC Victim Services Office directly or through a victim-witness advocate, Adult Parole Board, NHDOC staff, victim's therapist, or other community sources.
- B. The Victim Services Office will complete a *Victim-Offender Dialogue Referral Information* form.
- C. The Victim Services Office will assess the referral regarding the appropriate prerequisites.
- D. The Victim Services Office will confirm offender's current legal status and anticipated status at time of VOD (i.e. prison, work release, parole, probation).
- E. The Victim Services Office will consult with the victim-witness advocate and other stakeholders (e.g. VS Liaison & other corrections staff) before case assignment and preparation.
- F. The Victim Services Office will inform the prosecutor, in writing, about the victim-initiated VOD request, preliminary assessment, and facilitator assignment for preparation.

II. Facilitator Assignment

As appropriate following initial assessment, the Victim Services Office will assign the case to trained co-facilitators to begin the preparation phase. Consideration will be given to geographic and cultural needs, as well as facilitator experience. Case information shared with the co-facilitators will include, at a minimum, the following information:

- A. Name and telephone number of the victim or survivor requesting dialogue
- B. Name and location of offender (facility or district office). If the offender is under community supervision, the offender's mailing address and telephone number will be provided.
- C. Name, address and telephone number of appropriate DOC staff (e.g. Probation-Parole Officer, Mental Health Counselor)
- D. Crime, sentencing information and offender's legal status
- E. Police report of the crime, if available (or may be obtained via the Probation-Parole Officer or prosecutor's office)
- F. Inmate Summary report, if available
- G. Other relevant information pertinent to the case (facilitators not employed with NHDOC may review agency-generated treatment information with the signed consent of the offender)

III. Case Preparation

A. Introduction

Prior to a facilitated dialogue between the victim/survivor of crime and the offender, an intensive preparation period must be completed. Participation by a victim/survivor and offender in these parallel preparation sessions does not guarantee, nor should it be presumed, that a face-to-face dialogue will occur.

Throughout the preparation phase, the co-facilitators must assure the following:

- (i) **Victim/Survivor Safety**
 - (a) The physical safety of the victim/survivor must be maintained. Whether meeting with the victim/survivor in a community setting or correctional facility, consideration must be given to safety and security needs.

- (b) Emotional safety is equally important. The co-facilitators must have sensitivity to the victims' well-being, be responsive to verbal and non-verbal cues, and seek frequent feedback from them.

(ii) Victim/Survivor Choices

- (a) Victim-Offender Dialogue is victim-driven and victim-sensitive. The victims/survivors may choose to continue or withdraw from the process at any time.
- (b) The co-facilitators must continually inform them of their option to terminate the case at any time.
- (c) Preparation meeting times and locations must be convenient to the victim/survivor.
- (d) The victim/survivor has a choice, and is encouraged, to bring a responsible support person to preparation meetings.

(iii) Offender Choices

- (a) While Victim-Offender Dialogue is victim-driven, the offender may choose to continue or withdraw from the process at any time.
- (b) The co-facilitators must continually inform the offender of the option to terminate the case at any time.
- (c) The offender has a choice, and is encouraged, to bring a responsible support person to preparation meetings (consistent with security requirements).

(iv) Stakeholder Consultation

To promote the safety and well being of each party, and to assure a collaborative process with all concerned, the co-facilitators consult with the following individuals during the preparation phase of Victim-Offender Dialogue:

- (a) NHDOC Victim Services Coordinator
- (b) Victim-Witness Advocate of the County Attorney, NH Department of Justice, or local crisis center

- (c) Victim's Therapist and other supportive resources (if applicable)
 - (d) Offender's Therapist and other supportive resources (if applicable)
 - (e) Warden or Director of Field Services
 - (f) NHDOC Mental Health staff (or Correctional Counselor)
 - (g) NHDOC Chaplain
 - (h) NHDOC Inmates' Attorney (or defense counsel if requested)
 - (i) Other community resources as appropriate
- (v) Peer Consultation
- (a) Facilitators must regularly communicate in a timely manner with the Victim Services Coordinator about progress/concerns during case preparation.
 - (b) Bi-monthly peer consultation/case review meetings are scheduled with the VOD Steering Committee. VOD facilitators shall attend at least four (4) meetings during a twelve-month period.
 - (c) VOD facilitators shall not proceed with any dialogue between victim/survivor and offender without sufficient peer consultation and approval by the NHDOC (see Section H below).
- (vi) "No Contact" Orders
- (a) When any Court or the Adult Parole Board has ordered an offender to refrain from direct or indirect contact with the victim/survivor, Victim-Offender Dialogue shall not occur unless such order is modified or rescinded by the Court or Adult Parole Board.
 - (b) Requests for modification of the orders are submitted to the Court by the prosecutor's office in criminal cases and by the victim or representative in matters of civil protection orders. The NHDOC Victim Services Office files requests for modification with the Adult Parole Board.

B. Facilitator Initial Contact with Victim/Survivor

- (i) Introductory contact about the VOD request and VOD service
- (ii) Confirm victim/survivor's understanding of the VOD process
- (iii) Schedule initial meeting between co-facilitators and victim/survivor, at a time and location convenient for the victim/survivor
- (iv) Encourage the victim/survivor to invite a responsible support person to attend preparation meetings with him/her

C. Facilitator Initial Meeting with Victim/Survivor

- (i) The goal of this meeting is to establish rapport and a sense of credibility with the victim/survivor.
- (ii) Encourage the victim/survivor to consider a responsible support person to attend future preparation sessions and the dialogue.
- (iii) The facilitator provides information and answers questions about:
 - the VOD service
 - the facilitator
 - the VOD process
 - victims' rights and available resources for support
 - the offender's legal status
- (iv) The facilitator listens to the victim/survivor's experiences about the crime and recovery process (may include discussion of treatment received related to the crime).
- (v) Identify victim/survivor's expectations for a dialogue with the offender
- (vi) Assess extent of the victim's needs and losses
- (vii) The facilitator and victim/survivor discuss the risks and benefits of a dialogue under the circumstances.
- (viii) Identify personal information which the victim/survivor determines can or cannot be shared with the offender during preparation meetings with the offender.
- (ix) Schedule time and location for a second preparation meeting to occur, before or after the facilitator's initial preparation meeting with the offender.
- (x) *VOD Victim/Survivor Consent* form must be reviewed and signed.

N.B. Co-facilitators debrief and inform the Victim Services Coordinator about progress/concerns arising during preparation.

D. Facilitator Initial Contact with Offender

- (i) Introductory contact about the VOD request and VOD service
- (ii) Confirm offender's understanding of the VOD process
- (iii) Schedule initial meeting between co-facilitators and offender

- (iv) Encourage the offender to invite a responsible support person to attend preparation meetings with him/her

E. Facilitator Initial Meeting with Offender

- (i) The goal of this meeting is to establish rapport and a sense of credibility with the offender.
- (ii) Encourage the offender to consider a responsible support person to attend future preparation sessions and the dialogue.
- (iii) The facilitator provides information and answers questions about:
 - the VOD service
 - the facilitator
 - the VOD process
 - victims' rights
 - offender's rights and available resources for support
- (iv) The facilitator listens to the offender's experiences about the crime (may include discussion of subsequent treatment received), as well as interests in a victim-offender dialogue.
- (v) Identify offender's expectations for a dialogue with the victim/survivor
- (vi) The facilitator and offender discuss the risks and benefits of a dialogue under the circumstances.
- (vii) Identify personal information which the offender determines can or cannot be shared with the victim/survivor during preparation meetings with the victim/survivor.
- (viii) Schedule time and location for a second preparation meeting to occur after the facilitator's next preparation meeting with the victim/survivor.
- (ix) *VOD Offender Consent* form must be reviewed and signed.

N.B. Co-facilitators debrief and inform the Victim Services Coordinator about progress/concerns arising during preparation.

F. Subsequent Preparation Meeting(s) with Victim/Survivor

- (i) Reality check - reassess needs, losses and expectations
- (ii) The facilitator listens to the victim/survivor's experiences, grieving and recovery process (may include discussion of treatment received).
- (iii) Assure understanding of potential benefits and risks
- (iv) *Authorization to Release Information* form(s) for relevant facilitator consultation with victim's therapist and/or other resources are reviewed and signed by the victim/survivor. (Note: Contact with a therapist is helpful during preparation for dialogue; the victim's denial of such consultation does not automatically preclude continued preparation for VOD.)
- (v) Document the topics to be addressed in the dialogue

- (vi) Review and confirm the signed *VOD Victim/Survivor Consent* form
- (vii) Address preparation needs, if any, of support persons
- (viii) Inform and discuss with victim/survivor the identity of offender's chosen support person, if applicable
- (ix) Schedule tour of VOD location (e.g. facility) if helpful for victim/survivor
- (x) Discuss ground rules, seating arrangement, speaking order for the dialogue
- (xi) Discuss post-dialogue logistics (e.g. transportation, time & location of follow-up meeting between facilitators and victim/survivor)

N.B. Co-facilitators debrief and inform the Victim Services Coordinator about progress/concerns arising during preparation.

G. Subsequent Preparation Meeting(s) with Offender

- (i) Assure full responsibility for the victimizing behavior; confirm the details; assess sincerity
- (ii) Reality check - reassess needs and expectations
- (iii) Assure understanding of potential benefits and risks
- (iv) *Authorization to Release Information* form(s) for relevant facilitator consultation with offender's therapist and/or other resources are reviewed and signed by the offender. (Note: Contact with a therapist is helpful during preparation for dialogue; the offender's denial of such consultation does not automatically preclude continued preparation for VOD.)
- (v) Discuss and schedule offender participation in Victim **IMPACT** Program, as available
- (vi) Document the topics to be addressed in the dialogue
- (vii) Review and confirm the signed *VOD Offender Consent* form
- (viii) Address preparation needs, if any, of support persons
- (ix) Inform and discuss with offender the identity of victim's chosen support person, to the extent the victim agrees (e.g. first name, family/friend)
- (x) Discuss ground rules, seating arrangement, speaking order for the dialogue
- (xi) Discuss post-dialogue logistics (e.g. time & location of follow-up meeting between facilitators and offender)

N.B. Co-facilitators debrief and inform the Victim Services Coordinator about progress/concerns arising during preparation.

H. Final Preparation for Dialogue

- (i) Final Approval

A final recommendation to proceed with a face-to-face dialogue is made by the co-facilitators, through the Victim Services Office, for approval by the appropriate Warden or Director of Field Services. If approval is

denied or special conditions are requested, the dialogue process is suspended until the co-facilitators, the parties and Victim Services Office resolve any concerns.

(ii) Safety and Security

Prior to the day of face-to-face dialogue, provisions must be made to promote the physical safety for the parties, and the integrity of institutional security. When dialogue will occur in a correctional facility, the Victim Services Office will confirm appropriate arrangements with NHDOC security staff. When dialogue will occur in a community location, physical safety needs must be addressed appropriate to the setting.

(iii) Pre-Dialogue Briefings

Co-facilitators "check-in" with the victim/survivor and offender on the day before & immediately before the scheduled dialogue to:

Discuss participant's current feelings, concerns

Affirm and encourage participant's strengths

Confirm the ground rules for the dialogue

Discuss opening statements and introductions (order of statements is determined by the victim/survivor)

Review the topics to be discussed during dialogue

Confirm attendance of each participant's support person

IV. The Dialogue

A. Centering of the facilitator(s)

B. Client-centered atmosphere: the focus is on guiding the dialogue process, not on reaching agreement

C. Facilitating the Dialogue

- (i) Introductions and opening comments by co-facilitator: includes welcome, confirming the process, role of co-facilitators and support persons, and option for either party or facilitator(s) to terminate the dialogue any time
- (ii) Review the predetermined ground rules
- (iii) Connect with both parties
- (iv) Ground participants in their feelings so they can tell own story and engage the other

- (v) Opening statement by victim/survivor
- (vi) Opening statement by offender
- (vii) The dialogue includes the topics determined during the preparation phase. Examples may include the participants' statements of the crime event, facts of the offense, its impacts, questions and answers
- (viii) Co-facilitators observe verbal and non-verbal cues, with sensitivity to the victim/survivor's emotional safety
- (ix) Co-facilitators monitor the process (silence is good)
- (x) Co-facilitators request frequent feedback from the participants
- (xi) Take breaks or "time-outs" as needed
- (xii) Discuss future considerations, follow-up plans, boundaries
- (xiii) Closing comments by the participants
- (xiv) Co-facilitator(s) summarize outcomes, offer closing statement and thanks

D. Post-dialogue Debriefing: Immediately upon concluding the dialogue

- (i) Separately (one facilitator each) with victim/survivor and with offender
- (ii) Listen to participant's view of the VOD process
- (iii) Listen to extent to which participant's expectations were met
- (iv) Listen to impact of the dialogue on the participant
- (v) Explore unresolved issues
- (vi) Evaluate additional contact needs
- (vii) Discuss follow-up roles of co-facilitators, victim-witness advocate, victim's therapist, offender's therapist or NHDOC mental health staff

E. Follow-up Contacts

- (i) At three (3) days following face-to-face dialogue
- (ii) At three (3) months following face-to-face dialogue
- (iii) Other intervals as determined to be appropriate under the circumstances
- (iv) Address unmet needs of participants
- (v) Plan additional services and referrals
- (vi) Termination/disengagement of VOD service

CASE DOCUMENTATION

A *VOD Brochure* and *VOD Fact Sheet* are available for parties to share with persons of their choosing (e.g. support persons, therapist, and family)

The VOD Case File generally includes:

- *VOD Referral Information* form
- *VOD Victim/Survivor Consent* form and *VOD Offender Consent* form

- *Authorization to Release Information* forms
- *Acknowledgement by Support Person(s)* form
- Facilitator Contact Notes - must be brief, non-judgmental and limited to restating information provided by the participants
- Miscellaneous correspondence
- Other relevant information

Video/Audio Recordings

Videotaping or audiotaping of preparation and/or dialogue sessions shall only occur with the written approval of each participant, facilitator, support person and the NHDOC. The NHDOC Public Information Office and the appropriate Warden/Director must approve requests for other persons to observe the VOD process, in addition to written approval of each participant, support person and facilitator. The co-facilitators are responsible for seeking such approvals through the Victim Services Office.

CASE EVALUATION

Each case assigned for preparation and dialogue is evaluated by the Victim Services Office for client satisfaction, achieved outcomes, and process review. Cases undergoing preparation without reaching face-to-face dialogue are reviewed as “Other Significant Support Achieved.”

In consultation with the VOD Steering Committee, the Victim Services Office will annually report on the outcome measures and process review of Victim-Offender Dialogue.

REVISIONS TO PROTOCOLS

The Protocols for Victim-Offender Dialogue is an addendum to NHDOC Policy & Procedure Directive 1.30. From time to time, the Protocols may be subject to modification through joint consultation by the NHDOC and its VOD Steering Committee.

SOURCES: *Guidelines for Mediated Victim-Offender Dialogue in Severely Violent Crime*, and *Advanced Victim Sensitive Mediation Training in Crimes of Severe Violence*, University of Minnesota, Center for Restorative Justice and Mediation; *Evaluation of VOMP of Langley B.C. for Solicitor General Canada*, T. Roberts; and State of Texas Department of Criminal Justice, Victim Services.