

changes a sentence to one which is less severe.

- C. Crime: An act that would constitute a violation of any criminal statute including an act that may result in an adjudication of delinquency and sentence to the department of corrections.
- D. Dangerous Felony: includes the felonies of:
 - 1. arson in the first degree;
 - 2. assault in the first degree;
 - 3. attempted forcible rape if physical injury results,
 - 4. attempted forcible sodomy if physical injury results,
 - 5. forcible rape,
 - 6. forcible sodomy,
 - 7. kidnapping,
 - 8. murder in the second degree,
 - 9. robbery in the first degree,
 - 10. and for those offenders whose crimes were committed on or after June 27, 2003 includes:
 - a. assault of a law enforcement officer in the first degree,
 - b. domestic assault in the first degree,
 - c. elder abuse in the first degree,
 - d. statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense,
 - e. statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and

- f. abuse of a child pursuant to subdivision (2) of subsection 3 of section 568.060, RSMo.
- E. Director's Release: The final release of an offender from incarceration not requiring further supervision by the board of probation and parole, either after 3/4th's of the sentence has been completed under the old criminal code, or after the entire sentence has been completed under the new criminal code.
- F. Electronic Monitoring Program: The assignment of an offender to a home environment under the supervision of the board of probation and parole utilizing electronic monitoring surveillance.
- G. Family Member: A spouse, child, sibling, parent, grandparent or legal guardian of a victim.
- H. Missouri Victim Automated Notification System (MOVANS): In accordance with RSMo. 595.209, notification utilizing Missouri Victim Automated Notification System shall constitute compliance with the victim notification requirement.
- I. Offender: A person who commits a crime and is under the custody/supervision of any division with the department of corrections.
- J. Offenses Requiring Mandatory Notification: In accordance with 595.209, includes dangerous felonies and the attempt to commit any dangerous felony, and the offense of Murder 1st and Voluntary Manslaughter.
- K. Office of Victim Services: A unit of employees within the department that ensures the rights and interest of crime victims are represented in accordance with RSMo. 595.209. The unit serves as the primary contact between the department, prosecuting and circuit attorney's offices, law enforcement, victim advocacy groups and victims, provides information and notification and facilitates the participation of victims in the correctional and probation and parole process.
- L. Outcount: Any departure by an offender from institutional grounds under the supervision of a staff member or a law enforcement agency or for work/education release programs.
- M. Pardon: An action on the part of the Governor that releases

an offender from all or part of the punishment issued for the offense and reinstates her/his civil liberties.

- N. Parolees and Conditional Releasees: Offenders released to the community under the supervision of the board of probation and parole.
- O. Presumptive Parole Release Date: A tentative release date assigned to an offender by the board of probation and parole which is contingent upon continued appropriate institutional behavior and an acceptable release plan.
- P. Residential Facility: A facility operated by an organization that contracts with the department for the housing and treatment of offenders in the community.
- Q. Reverse and Remand: The decision of an appellate court judge to reverse the conviction of an individual by a lower court and remand the case for a new trial.
- R. Victim: A person, as identified by the prosecuting attorney's office, who suffers direct or threatened physical, emotional or financial harm as the result of the commission or attempted commission of a crime. The term victim also includes the family members of a minor, incompetent or a homicide victim.
- S. Victim Service Coordinator: An employee who is responsible for oversight of the office of victim services, the monitoring of statutory compliance regarding victim's rights, oversees the implementation of programs, policies and procedures to ensure the rights of crime victims are enforced; assists the development of victim impact programs for offenders and consults on the training of correctional staff on general victim's issues and serves as the Departmental Liaison on victim's issues to other victim service organizations and criminal justice agencies.
- T. Victim Service Supervisor: An employee who provides direct supervision of victim service staff. Reports to the victim service coordinator.
- U. Witness: Any person who has been, or is expected to be, summoned to testify for the prosecution, whether or not any action or proceeding has yet been commenced. The term witness shall include persons employed in the administration of criminal justice who are testifying in the course of their

employment, except that such persons shall not be entitled to any witness fee.

- V. Work Release: A temporary release that allows an offender to perform any work in the community off of institution grounds, with or without supervision.
- W. 120 Day Probation: Probation granted by a circuit court to an offender any time up to 120 days after being delivered to the department as outlined in D5-8.4 120 Day/Probation.

III. PROCEDURES:

A. Victim Information:

1. Confidentiality:

- a. All victim's information is part of the probation and parole file.
- b. All victim/witness information received by the department is confidential under all circumstances unless court ordered.
- c. No communication from or with a victim may be shared with an offender, except when a victim/family member elects to make a statement at a parole hearing with the offender present.
 - (1) All other exceptions must be approved by the victim service coordinator and will be made only after informing the victim/family member.
- d. No offender may have in her/his possession a photograph or other memorabilia of a victim involved in her/his case.
 - (1) If any such item is found in the possession of an offender it should be immediately confiscated by staff.
 - (2) The only exceptions are a court order or a recommendation from a qualified, licensed counselor stating that having such item is part of the therapeutic plan for the offender.

2. Employee Access:

- a. Victim information will be shared with others on a need to know basis as determined by the victim service coordinator.
- b. All employees having access to departmental files or records shall treat victim information contained within the file as confidential.

B. Identification of Victim:

1. Sentencing Assessment Report (S.A.R.) Conducted:

- a. At the time a sentencing assessment report is conducted by the office, the probation and parole officer shall complete a Pre-Sentence Victim Notification form (Attachment A).

(1) Due to the confidential nature of the material, the Request For Victim Notification form (Attachment B) shall not be attached to the court, prosecutor or offender's copy of the sentencing assessment report unless court ordered.

(A) The Request for Victim Notification form (Attachment B) will be given to the victim so that the victim may fill it out and mail it to the office of victim services at central office probation and parole.

(B) The probation and parole officer may give the Request for Victim Notification form (Attachment B) to the victim, if the victim is giving their victim statement to the probation and parole officer in person, or if the victim indicates over the telephone to mail the form to the victim.

(2) When probation is denied, a copy of the Pre-Sentence Victim Notification form (Attachment A) shall be forwarded to the office of victim services at probation and parole central office.

b. The victim impact statement shall be completed by the probation and parole officer as part of the sentencing assessment report and forwarded to the central office case manager.

(1) The probation and parole officer should consult with her/his supervisor for instructions on the method of contacting the victim, i.e. letter, telephone, and/or home visit.

2. Sentencing Assessment Report Not Conducted:

a. Offender file material from the reception and diagnostic centers shall be reviewed upon receipt by staff of the office of victim services to determine if there is a victim/family member.

b. On all cases requiring victim notification, upon determination that a victim/family member exists, office of victim services staff shall send a letter to the prosecutor's office of the appropriate county requesting formal identification of the victim/family member and the last known address.

C. Notification of Victim:

1. Victim notification will be made in accordance with RSMo. 595.209.

2. All victims of dangerous felony cases, voluntary manslaughter, murder 1st and attempts of the above crimes will be notified automatically.

3. All other victims will be notified upon the department receiving written request from the victim.

4. On cases involving mandatory notification and on cases where there is a written request for notification, the office of victim services will actively solicit victim information from the prosecuting attorney's office if there is no victim information in the offender's file.

5. Upon receiving formal identification from the prosecutor, office of victim services staff will enter the victim information in the Missouri Victim Automated

Notification System (MOVANS).

- a. All victims are registered to receive written notification once they are entered in Missouri Victim Automated Notification System.
 - b. Victim services staff will send a letter to all victims explaining their rights and how to register their phone number and/or email for Missouri Victim Automated Notification System.
6. Victims and family members will be notified of the following events by the office of victim services utilizing Missouri Victim Automated Notification System.
- a. Parole Hearing:
 - (1) Once a parole hearing date has been established, victims will be notified a minimum of 30 days in advance of the date.
 - (2) Victims registered with Missouri Victim Automated Notification System will be notified by letter, telephone and/or email.
 - (3) If a victim does not receive timely notice as established by RSMo. 595.209 and registers a complaint, the parole hearing will be rescheduled upon the victim's request if sentence structure allows.
 - b. Parole Hearing Results:
 - (1) Victims registered with Missouri Victim Automated Notification System will be notified by letter, telephone and/or email of the results of a parole hearing.
 - c. Release to the Community:
 - (1) Victims registered with Missouri Victim Automated Notification System will receive notification by letter, telephone and/or email of all releases to the community as soon as a release date is established.

(A) This includes:

- i. presumptive parole release
- ii. conditional release
- iii. release to electronic monitoring
- iv. release to a residential facility
- v. release to a community release center
or community supervision center
- vi. maximum release

(B) All notifications of release shall occur
in advance of the release.

(2) Fourteen days prior to the release, all victims
registered with a telephone number and/or email
address will receive a reminder notification
from Missouri Victim Automated Notification
System of the scheduled release.

d. Work Release:

(1) Victims registered with Missouri Victim
Automated Notification System will receive
notification of work release by letter and/or
email.

e. Escape:

(1) When a superintendent/designee declares an
offender has escaped from the perimeter of a
state correctional center or a city or county
jail, or while under custody escort, the
command center should be notified immediately.

(A) The command center will immediately notify
the victim service coordinator/designee.

(B) The victim service coordinator/designee will
contact the victim to provide information
and support.

(2) Victims registered with Missouri Victim Automated Notification System will receive telephonic, email and/or written notification of perimeter escapes.

f. Death while Incarcerated:

(1) Victims registered with Missouri Victim Automated Notification System will receive telephonic, email and/or written notification of the death of an offender who is incarcerated.

(2) Notification will occur as soon as the event is entered into the offender management information system and is received by Missouri Victim Automated Notification System.

g. Commutation or Pardon:

(1) As soon as information is received by the department that a commutation or pardon is being granted, the victim service coordinator should be notified immediately and will notify the victim or family member.

h. Bond Release:

(1) If a bond release is ordered, the office of victim services should be notified immediately so every effort can be made to provide notification to the victim/family in advance of the release as required by RSMo. 595.209.

(2) If the release is ordered after hours, the victim service coordinator should be contacted and will make notification to the victim.

i. Reverse and Remand:

(1) If a release is ordered as a result of a reverse and remand decision, the office of victim services should be notified immediately in advance of the release and will make notification to the victim.

(2) If the release is ordered after hours, the

victim service coordinator should be contacted and will make notification to the victim.

j. Execution Date:

- (1) When the Missouri Supreme Court establishes an execution date, the victim service coordinator will notify the victim/family members immediately.
- (2) The Victim Advocate of the Attorney General's Office will notify the victim/family members of appeals that are filed and a stay of execution if one is ordered.

k. Return to Custody:

- (1) When an offender is returned to custody victims who are registered in Missouri Victim Automated Notification System will receive notification of the return to custody once the board has made a decision and it is entered in the OPII computer system.

l. Transfers:

- (1) When offenders are transferred from one correctional center to another, victims registered with Missouri Victim Automated Notification System to receive telephonic and/or email notification will be notified after offenders are booked in at the receiving institution.

m. 120 Day Probation:

- (1) Upon identification of a 120 day case, office of victim services staff will notify the victims by certified letter that the court has retained jurisdiction and may release the offender on or before the 120th day.
- (2) If the judge denies probation, victim information will be entered in Missouri Victim Automated Notification System and the victim shall be notified of the parole hearing date

when established.

D. Probation and Parole Hearing Process:

1. If a victim wishes to participate in the hearing process, the following alternatives are possible:

a. Personal Appearance:

(1) When a victim wants to attend a parole hearing, she/he must notify staff of the office of victim services.

(A) The victim services staff will determine who plans to attend the hearing and whether they are eligible to attend the hearing according to 595.209 RSMo., and 595.210 RSMo. or 217.690 RSMo.

(2) If an individual requests to attend a parole hearing and is not the victim/family member as defined by statute, victim service staff must consult with the board member who will be conducting the hearing to determine whether or not an exception will be made.

(A) The individual will be informed of the board members decision by victim service staff.

(3) Once a determination is made regarding who will be attending the hearing, victim service staff will send a letter to the victim/family member advising of the exact time and location of the hearing and appropriate attire for entry into the institution.

(A) The letter will also advise the victim/family member that a driver's license or picture identification from another recognized governmental entity must be provided upon entering the institution and the victim/family member may be subject to search.

(4) Victim service staff should discuss

alternatives to a personal appearance with the victims.

- (A) In accordance with state law, victims may offer a written statement, video, audio tape or may request a personal meeting with the board member who will be convening the parole eligibility hearing.
- (5) In accordance with 217.690 a victim as defined in statute may delegate an individual to attend the hearing on her/his behalf to make a statement.
- (6) If a victim requests staff from the office of victim services to attend a parole hearing on her/his behalf to read a prepared statement approval must be obtained from the victim service coordinator and the parole board member convening the hearing in advance of the hearing.
- (7) If there is a parole hearing where victims will be in attendance and there is a potential for problems such as mental health issues, media involvement, etc., or which may require special arrangements, the victim service coordinator should be notified immediately.
 - (A) The victim service coordinator will consult with the board, institutional parole staff, custody staff, the victims and may attend the hearing to minimize problems.
- (8) Departmental staff shall escort the victim while on the institutional grounds.
- (9) The institutional parole staff will explain the hearing process and determine if the victim chooses to have the offender present when she/he makes her/his statement to the board.
- (10) The victim may make her/his statement outside the presence of the offender and then remain present for the remainder of the parole hearing process for that offender or may leave after making their statement.

(11) Office of victim services staff will attend hearings only if requested to do so by the victim for the sole purpose of support, not advocacy.

(A) Staff should remain neutral throughout the hearing and should demonstrate the highest level of professional behavior.

(12) When a victim complains of not receiving notification of a parole hearing, and therefore, has not been given the opportunity to provide information to the board, the victim service coordinator should be informed immediately.

(13) If a victim requests a partition to shield her/him from the offender during the parole hearing, one will be provided after consultation with the superintendent of the institution and the convening board member.

b. Personal Meeting:

(1) When a victim requests to meet with a board member, the victim service staff should coordinate the meeting with the board's secretary.

(A) The board's secretary will either schedule the meeting with the board member or arrange for the board member to contact the victim and schedule the meeting.

(2) If a victim wants to meet with a board member regarding a hearing, the appointment should be arranged with the board member convening the hearing, otherwise the meeting should be scheduled with the board member who is in the office on the day the call is received.

c. Telephone Calls:

(1) If a victim requests to talk to a board member, the victim service staff will arrange for the

board member convening the hearing to call the victim.

(A) If the victim wants to discuss a case where a hearing is not involved, the case will be referred to the board member who is in the office on that day.

(2) The victim service staff will pull the file and attach the telephone number and any other pertinent information and give it to the board member.

2. If the victim has indicated a desire to attend a hearing and a circumstance arises that prevents the hearing from being held as scheduled the victim shall be notified as soon as is reasonably possible.

E. Interstate Corrections Compact:

1. The interstate corrections compact unit at the probation and parole central office is responsible for victim/witness notification regarding offenders serving a Missouri sentence in another state.
2. The interstate corrections compact unit shall follow all outlined procedures as if the offender were confined within the state boundaries of Missouri and under the supervision of the division of adult institutions.
3. Notification will not be made concerning protective custody status of offenders without the approval of the department's general counsel.

F. Papers Only Offender Files (AIFED)

1. Office of victim services staff will make all notifications on the above cases in accordance with RSMo. 595.209.

G. Notification of Human Immunodeficiency Virus Status:

1. When an offender tests human immunodeficiency virus seropositive upon entrance, her/his records shall be checked for the convicting crime.
2. If the crime is a sex offense, the chief of nursing

services shall be provided as much information as possible about the victim.

3. The chief of nursing services shall notify the health department of all offenders testing positive for human immunodeficiency virus and shall share all available information regarding the victim.
4. It is the responsibility of the Department of Health to notify any contacts named by the offender and any known victims of the offender.
5. Notwithstanding any other provision of law or this procedure, victims have a right to human immunodeficiency virus information pursuant to 191.663 RSMo.

H. Victims of Domestic Violence:

1. Any individual who claims to be a victim of domestic violence, where there is no conviction, should be referred to the office of victim services.
2. In cases where the offender is alleged to have committed an act of domestic violence but has not been convicted and the victim of the domestic violence incident has requested notification, the office of victim services will provide notification of the offender's transfer to a new institution and release to the community.
 - a. The victim information will be entered into Missouri Victim Automated Notification System and flagged for release information only.

I. Dissatisfied Victims:

1. When victims express dissatisfaction with the justice process, it may be due to misinterpretation of information.
 - a. Every effort should be made to disseminate the correct information to avoid misunderstandings.
 - b. Dissemination of information may be accomplished through letters, telephone calls, brochures and/or personal contact with the victim or their family.

2. The concerns expressed by dissatisfied victims or their family members shall be referred to the victim service coordinator for attempted resolution of problems and/or issues.
 - a. If a resolution cannot be reached, the victim service coordinator shall discuss the issue with the appropriate division director/designee.
3. The victim service coordinator will interact with the victim to provide any information that might benefit her/him in understanding the decisions made by the board of probation and parole.

J. Victims Requesting Offender Contact:

1. If a victim wishes to continue contact with the offender, the victim must put the request in writing to the superintendent for consideration.
 - a. The superintendent will submit a copy to the victim service coordinator.
 - b. The victim service coordinator will review the request and make a recommendation to the superintendent regarding approval/denial of the request.
 - c. The superintendent may deny or stop visitation at any time based on safety/security needs of the institution.
 - d. A copy of the request will be maintained in the:
 - (1) parole board file,
 - (2) classification file, and
 - (3) sentence and judgment file.
2. If, at a later date, the victim decides to end contact with the offender, the victim must submit a written notification to the superintendent and the victim service coordinator.

K. Attendance of Victims at Executions:

1. All requests to witness an execution will be approved or disapproved at the discretion of the department director.
2. Victim witness requests will be submitted to the department director for approval on a case-by-case basis.
3. Victims may attend the execution of an offender when:
 - a. they are victims who are immediate family members of the victim of a homicide for which the offender is being executed.
 - b. they are the victims of the offender being executed, but for an offense other than the one the offender is to be executed for.
 - c. The department director will review these requests on a case-by-case basis and may approve or disapprove the request.
4. The number of victims who may attend an execution will be determined by the department director.
5. The victim service coordinator will coordinate the attendance of victims at an execution, advise them of protocols to be followed and will act as liaison between the victims, departmental staff, and victim advocates in the Office of the Attorney General.
 - a. Once a victim requests to attend an execution, the victim service coordinator will send the State Witness Application (Attachment C) to the victim.
 - (1) The State Witness Application must be completed and returned prior to the date of the execution to provide sufficient time for background checks and scheduling.
 - b. The victim service coordinator will advise victims of the following:
 - (1) they must adhere to all rules and regulations of the institution.
 - (A) Failure to adhere to these rules and

regulations may result in refusal to admit the victim or removal from the premises.

(2) they must present a valid picture identification.

(A) if they do not have a valid picture identification, they must present a birth certificate and social security card upon request to prove citizenship of the United States or a passport or visa as proof they are lawfully within the country.

(3) they must be 21 years of age or older.

c. The victim service coordinator will have a background check completed.

d. Prior to the execution, when the victim arrives at the institution, the victim service coordinator will ask victims if they wish to have access to the news media following the execution.

(1) The victim service coordinator will advise the public information officer if the victims wish to have access to the news media.

(2) The public information officer will coordinate such access.

(3) The department will not facilitate access to the media on departmental grounds prior to the execution.

(4) The department will not release the names of victims witnessing the execution.

e. The victim service coordinator and assigned departmental employees will escort the victims from the time of their arrival at the institution until their departure from the institution as set out in the execution protocol.

L. Apology Letters

1. An offender who chooses to write a letter of apology to

her/his victim shall forward the letter to the victim service coordinator.

- a. All letters of apology received by the victim service coordinator shall be entered in a tracking log and a copy will be made for the probation and parole file.
 - b. The victim service coordinator shall review the letter to determine if it is appropriate to send to the victim.
 - c. If an apology letter is deemed to be appropriate, a letter will be sent to the victim/family informing them that the offender has written an apology letter.
 - (1) The victim/family will be instructed to contact the office of victim services if they are interested in receiving the letter.
 - (2) Apology letters will not be sent to any victims unless they indicate a desire to receive it.
 - d. If the letter is determined to be inappropriate, the letter will be returned to the offender along with a letter informing her/him that the apology letter is considered inappropriate.
 - e. Offenders who write letters that are appropriate will be informed only that their letter has been received by the office of victim services and will be handled in accordance with procedures.
 - (1) Offenders will not be informed as to whether or not their victim accepted the letter.
 - f. If the victim does not respond to the notification that an apology letter has been written, the apology letter will be placed in the probation and parole file and no further action will be taken.
2. All offenders writing letters of apology should be screened to determine whether or not they have successfully completed the Impact of Crime on Victim Classes (ICVC).
 - a. If an offender was enrolled in Impact of Crime on

Victim Classes, but has not successfully completed them, her/his letter of apology will not be considered.

- (1) The letter will be returned to the offender with an explanation that Impact of Crime on Victim Classes must first be completed before a letter can be submitted for review.
3. Letters of apology from an offender convicted of a sex offense will not be considered until the offender completes the Missouri sex offender program.
 - a. Any exception must be approved by the victim service coordinator in cooperation with other professional staff as deemed appropriate.
4. Decisions made by the victim service coordinator are not subject to review or appeal by the offender.

M. Victim/Offender Dialogue

1. Requests from victims/families will be handled in accordance with D1-5.4 Victim - Offender Dialogue.

IV. ATTACHMENTS:

- A. 931-3767 Pre-Sentence Victim Notification
- B. 931-3768 Request For Victim Notification
- C. 931-4039 State Witness Application

V. REFERENCES:

- A. None

VI. HISTORY:

- A. Original Effective Date: 06/01/94
- B. Revised Effective Date: 02/28/03
- C. Revised Effective Date: 11/17/03
- D. Revised Effective Date: 08/12/07