


<b>POLICY TITLE: VICTIM/OFFENDER DIALOGUE IN THE CORRECTIONAL FACILITY SETTING</b>		<b>PAGE 1 OF 5</b>
<b>POLICY NUMBER: 6.8</b>		
<b>CHAPTER 6. VICTIM SERVICES</b>		
	<b>STATE of MAINE DEPARTMENT OF CORRECTIONS</b>  Approved by: <u><i>Martin Magnusson</i></u> <b>Signature of Commissioner</b>	<b>PROFESSIONAL STANDARDS:</b>  See Section VII
<b>EFFECTIVE DATE:</b> December 11, 2002	<b>LATEST REVISION:</b> May 12, 2010	<b>CHECK ONLY IF APA [ ]</b>

## I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

## II. APPLICABILITY

All Adult and Juvenile Correctional Facilities

## III. POLICY

It is the policy of the Department of Corrections to accommodate, when appropriate, a request from a crime victim to meet with an offender who has committed a crime against that victim, subject to the conditions contained herein.

## IV. CONTENTS

Procedure A: Response to Requests  
 Procedure B: Preparation for the Dialogue  
 Procedure C: The Dialogue  
 Procedure D: Conditions

## V. ATTACHMENTS

Attachment A: Release of Liability for the Purpose of Participation in Victim/Offender Dialogue  
 Attachment B: Authorization for the Disclosure of Information for the Purpose of Participation in Victim/Offender Dialogue

## VI. PROCEDURES

**Procedure A: Response to Requests**

1. Victim Services Coordinator's Responsibilities to Victim

- a. The Department's Victim Services Coordinator, or designee, shall evaluate all requests from crime victims for victim/offender dialogue. Only a request coming directly from the victim may be considered. If the prisoner has not been convicted of the offense or the juvenile client has not been adjudicated of the offense, the victim shall be informed that a dialogue is not appropriate.
- b. The Victim Services Coordinator, or designee, shall determine, on a case by case basis, if a dialogue is appropriate for the particular victim and particular offender. If a dialogue might be appropriate, the Victim Services Coordinator, or designee, shall contact the facility Chief Administrative Officer, or designee, for permission to initiate further evaluation of the request. If the offender does not agree to the dialogue, it is not appropriate
- c. If it is determined that the dialogue is not appropriate, the Victim Services Coordinator, or designee, shall so inform the victim and provide the reasoning behind the determination.
- d. If it is determined that the dialogue is appropriate, the Victim Services Coordinator, or designee, shall:
  - 1. provide the crime victim with a copy of this policy and procedures;
  - 2. require the victim to sign a release form (Attachment A) relieving the Department of Corrections and its staff and volunteers from any liability and declaring that it is not the victim's intention to cause physical or emotional harm to any other party associated with the dialogue process;
  - 3. select the facilitator for the dialogue from among persons trained as facilitators and approved by the Victim Services Coordinator;
  - 4. provide the selected facilitator with a copy of this policy and procedures;
  - 5. ensure that criminal record checks and all other security checks are conducted on the victim and the facilitator;
  - 6. provide the crime victim with an introduction to the facilitator;

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
<b>6.8 Victim/Offender Dialogue in the Correctional Facility Setting</b>	<b>6. Victim Services</b>	<b>Page 2 of 5</b> 5/12/10R

7. provide other assistance to the victim and the facilitator, as requested and as appropriate;
8. ensure prior notification of the dialogue is provided to the facility Chief Administrative Officer, or designee; and
9. be the repository of any and all documentation regarding the dialogue, including all forms signed by the victim and the offender.

2. Responsibilities to Offenders

- a. The Victim Services Coordinator, or designee, and the offender's caseworker shall meet with the offender to discuss the victim's request for dialogue and explore the offender's appropriateness for a dialogue (including whether the offender agrees) and shall explain the process and that:
  1. participation is voluntary;
  2. the offender must acknowledge responsibility for the offense;
  3. the offender will not receive any benefit from the Department of Corrections for agreeing to participate; and
  4. refusal to participate will not be used against the offender.
- b. If the offender agrees to participate, the Victim Services Coordinator, or designee, shall:
  1. request a facility screening for appropriateness for a dialogue;
  2. provide the offender with a copy of this policy and procedures and explain that the offender must comply with this policy and procedures; and
  3. require the offender to sign a release form (Attachment A) relieving the Department of Corrections and its staff and volunteers from any liability and declaring that it is not the offender's intention to cause physical or emotional harm to any other party associated with the dialogue process and require the offender to sign an Authorization for the Disclosure of Information form (Attachment B).

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
6.8 Victim/Offender Dialogue in the Correctional Facility Setting	6. Victim Services	Page 3 of 5 5/12/10R

- c. The facility screening process shall include an interview by facility mental health staff to determine whether the offender accepts responsibility for the offense for which the victim is seeking a dialogue and, if the offender has a mental illness, to determine whether participation in the dialogue would have an adverse impact on the the prisoner’s emotional stability. The results of the screening shall be reported to the Victim Services Coordinator, or designee.
- d. If the offender declines participation or the screening indicates the offender is otherwise not appropriate, the Victim Services Coordinator, or designee, shall inform the victim.

**Procedure B: Preparation for the Dialogue**

- 1. The facilitator and the Victim Services Coordinator, or designee, shall meet with the victim to provide information about the offender and to prepare for the victim/offender dialogue.
- 2. The facilitator and the Victim Services Coordinator, or designee, shall meet with the offender to prepare for the dialogue. The Victim Services Coordinator, or designee, shall schedule the preparation meeting with the offender through the facility Chief Administrative Officer, or designee.
- 3. The facility Chief Administrative Officer, or designee, shall ensure that prior to meeting with the offender, the facilitator completes an orientation to facility rules, with a special emphasis on the rules pertaining to security and confidentiality, and agrees in writing to abide by all the rules of the facility.

**Procedure C: The Dialogue**

- 1. The facility Chief Administrative Officer, or designee, shall arrange a secure, private setting (such as the attorney/client visit room or similar space within the facility) for the dialogue. Facility staff shall supervise the dialogue as appropriate but may not intentionally listen to the conversation.
- 2. The victim/offender dialogue must concern only the offense of record for the offender and the related victim.
- 3. The facilitator and the Victim Services Coordinator, or designee, shall be present during the entire dialogue.
- 4. Any participant in the dialogue (victim, offender, facilitator, or Victim Services Coordinator, or designee) may terminate the dialogue at any time for any reason.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
6.8 Victim/Offender Dialogue in the Correctional Facility Setting	6. Victim Services	Page 4 of 5 5/12/10R

5. Facility staff shall terminate or otherwise intervene during the dialogue when it is determined that safety, security, or orderly management of the facility warrants intervention.
6. The facilitator shall debrief the victim separately following the dialogue and shall make any necessary referrals through the Victim Services Coordinator. The facilitator shall not maintain a relationship with the victim after the conclusion of the debriefing.
7. The facilitator shall debrief the offender separately following the dialogue.
8. The Chief Administrative Officer, or designee, shall arrange for the offender to be debriefed by a member of the facility mental health staff after the offender is debriefed by the facilitator. The facilitator shall not maintain a relationship with the offender after the conclusion of the debriefing.
9. The facilitator shall notify the Victim Services Coordinator, or designee, that the dialogue took place or was terminated and shall provide any written report requested.

**Procedure D: Conditions**

1. No person under the age of 18 is eligible for dialogue with an offender.
2. Neither an offender nor an agent of an offender may contact a victim in an attempt to solicit participation in victim/offender dialogue.
3. The dialogue shall be a single event.
4. No meeting held with the facilitator nor the actual dialogue shall be counted as a visit under Departmental policy.
5. The Chief Administrative Officer, or designee, and Victim Services Coordinator, or designee, shall have the authority to cancel or terminate a dialogue at any time in his or her complete discretion.
6. The dialogue shall not be audio or videotaped.

**VII. PROFESSIONAL STANDARDS**

None

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
6.8 Victim/Offender Dialogue in the Correctional Facility Setting	6. Victim Services	Page 5 of 5 5/12/10R