
MISSOURI DEPARTMENT OF CORRECTIONS

** DEPARTMENT MANUAL **

D1-5.4 Victim - Offender Dialogue

Larry Crawford, Department Director

July 21, 2006
Effective Date

I. PURPOSE: To provide victims of violent crimes and/or family members the opportunity for a structured, face-to-face meeting with the offender(s) of those crimes in a secure, safe environment.

A. AUTHORITY: 217.040, 217.035 RSMo

B. APPLICABILITY: This procedure applies to all victims of violent crimes, applicable offenders and employees of the department.

II. DEFINITIONS:

A. Facilitator: An individual trained to conduct victim-offender dialogues. This person may be an employee or community volunteer who has received specialized training through the office of victim services or the office of restorative justice.

B. Ground Rules: Agreed upon standards for the conduct of the dialogue meeting.

C. Victim: A person identified by the prosecuting attorney's office, who has suffered direct or threatened physical, emotional or financial harm as the result of the commission or attempted commission of a violent crime. The term victim also includes the family members of a minor, incompetent person, or a homicide victim.

D. Victim-Offender Dialogue: A process that enables the victim of a violent crime to meet the offender and discuss the impact

of the crime. This process focuses on the harm done to the victim and the offender's responsibility in the reparation of that harm.

- E. Violent Crime: For the purposes of this procedure this will include any crime which results in physical or emotional harm.

III. PROCEDURES:

- A. The victim services coordinator and restorative justice coordinator will provide victims of violent crimes and offenders the opportunity for a structured, face-to-face meeting in a safe, secure environment.

- B. Facilitators:

- 1. The victim services coordinator and restorative justice coordinator shall maintain a list of potential facilitators.
 - a. Interested volunteers and employees will, upon request, be provided with a brochure of information about upcoming training courses for prospective facilitators.
 - (1) Volunteers and student interns must first be approved in accordance with D2-13.1 Volunteers Procedures and D2-13.2 Student Interns Procedures.
 - (2) An employee must become a volunteer in accordance with D2-13.1 Volunteers in Corrections if she/he wishes to become a facilitator.
 - (A) All activities related to training and facilitation of the victim-offender dialogue (including preparation work and followup activities) will be done on the employee's own time and will not be considered work time.
 - (B) The employee may request leave for victim-offender dialogue activities; however, her/his supervisor will decide

whether or not leave may be granted based on the employee's workload.

- b. Applicants shall be selected approximately two weeks prior to each training session.
 - c. Selection shall be made based on current program needs.
 2. The victims services coordinator or the restorative justice coordinator shall provide training approved by the department training academy for new and existing facilitators.
 3. Each facilitator shall be monitored by the victim services coordinator or restorative justice coordinator for quality work, ethical conduct and timely completion of assignments.
 4. If a facilitator does not comply with these or other department procedures and/or any other victim-offender dialogue program responsibilities, her/his facilitator status may be terminated.
 - a. The victims services coordinator and/or the restorative justice coordinator will make a written recommendation to the department deputy director.
 - b. The written recommendations will include the specific justification for the request.
 - c. The department deputy director will make the final decision and notify the victims services coordinator and the restorative justice coordinator. The victims services coordinator or the restorative justice coordinator will notify the facilitator in writing.
- C. Case Prerequisites:
 1. Victim Initiated: Requests for victim - offender dialogue must be initiated by the victim.
 - a. Any exception to this must be approved by the deputy director in consultation with the victim services coordinator or with the restorative justice coordinator.

2. Participation of both the victim and offender in the dialogue program is on a voluntary basis only.
 - a. Either may discontinue participation in the process at any time.
3. In order for an offender to participate in the dialogue process, she/he must admit guilt and accept responsibility for the crime.
 - a. Any exception to this must be jointly approved by the victim services coordinator and the restorative justice coordinator.
4. Participation by an offender in the dialogue process will not affect the offender's status, including parole eligibility, release or community supervision.
5. The length of time that has passed since the time of the offense shall be considered when determining if a case shall move ahead in the dialogue process.
6. All dialogue cases will be assigned to facilitators by the victim services coordinator and/or restorative justice coordinator.

D. Case Documentation:

1. The victim services coordinator shall maintain on file all notes and information gathered from the participants throughout the dialogue process.
 - a. Each case file shall consist of the information packet outlined in section III.E.1.
 - b. In addition there will be:
 - (1) a Victim Dialogue Information Sheet (Attachment A) and Offender Dialogue Information Sheet (Attachment B), and
 - (2) the Victim-Offender Dialogue Facilitator Timesheet (Attachment C), and
 - (3) other notes documented by the facilitator

during the dialogue process.

2. As a facilitator prepares each case, she/he will make notes that are nonjudgemental and only restate information provided by the participants.
3. Confidentiality of Documentation: Information shared during the dialogue process shall be part of the probation and parole file.
 - a. Information shall be considered confidential and not public record in accordance with D1-4.3 Custodian of Records.
 - b. Information will only be released or used for departmental or educational purposes when the offender has signed the Consent to Interview/Photograph (Attachment D) and the victim has provided a written release of information.

E. Preparation for Dialogue:

1. Cases that meet the above requirements shall be assigned by the victim services coordinator and/or restorative justice coordinator to a facilitator to begin the process.
 - a. The victim services coordinator and the restorative justice coordinator shall consider geographic and cultural needs, as well as facilitator experience, when matching a case with a facilitator.
 - b. Case information packets shall be shared with the facilitators and shall include at a minimum the following information:
 - (1) name of the victim requesting dialogue,
 - (2) telephone number of the victim requesting dialogue,
 - (3) relationship of the victim to the offender (actual victim, family member, etc.),
 - (4) name and DOC number of the offender,

- (5) institution or parole office where the offender is located,
 - (6) name of the parole officer (if applicable),
 - (7) telephone number of the parole officer (if applicable),
 - (8) sentencing information,
 - (9) offender status,
 - (10) presentence investigation,
 - (11) institutional parole office report,
 - (12) actual police report or circumstances of offense (if available),
 - (13) newspaper articles regarding the case (if available),
 - (14) photographs regarding the case (if available),
 - (15) audio or videotapes regarding the case (if available), and
 - (16) other information pertinent to the case.
2. The facilitator will work specifically with the victim and offender to prepare them for the meeting.
 - a. Participation by a victim or offender in the orientation or preparation phase of the dialogue process does not guarantee, nor should it be presumed, that a face-to-face meeting between the victim and offender shall occur.
 3. In order to participate in the dialogue process, both the victim and the offender must sign an Offender Release for Victim-Offender Dialogue (Attachment E) and the Victim Release for Victim-Offender Dialogue (Attachment F) relieving the department and any of its employees of any liability.
 - a. This release also requires all parties to declare

that it is not their intention to cause physical or emotional harm to each other or to any other party associated with the dialogue process.

4. The facilitator will make a final written recommendation to the victim services coordinator or restorative justice coordinator to proceed.
 - a. The recommendation will contain a summary of what the victim's expectations are and the offender's willingness to admit her/his guilt and accountability for the offense.
 - b. Once the meeting is approved by the victim services coordinator or the restorative justice coordinator, the victim services coordinator or restorative justice coordinator will send a letter to the superintendent or regional administrator stating the case has been approved and the facilitator will be contacting them or their designee to work out details regarding the dialogue (example: room, time, etc.).

F. Conducting the Dialogue:

1. Immediately prior to the meeting(s) the facilitator shall show the victim the room in which the dialogue will take place.
 - a. The victim may suggest the seating arrangements of all participants, facilitator and observers.
 - b. The facilitator shall comply with these suggestions unless security or other concerns exist that prohibit such an arrangement.
2. Any videotaping or audiotaping of dialogue sessions shall be made only with the approval of each participant and the facilitator.
 - a. Media requests to be involved in the dialogue process must be submitted to the public information officer and the department director for preapproval.
 - (1) The public information officer will comment on the request and submit it to the department

director for approval/denial.

(2) The public information officer will inform the facilitator of approval or denial.

(3) The facilitator will inform the participants.

b. If being used for department or educational purposes the victims services coordinator or the restorative justice coordinator will request approval by the deputy director.

c. The facilitator will ensure all appropriate approvals and releases have been obtained prior to permitting video or audio taping.

3. The Meeting: The facilitator shall bring all participants together and review the ground rules for the meeting.

a. All participants will be searched before entering the meeting room.

b. A corrections officer will be posted outside the meeting room.

c. The victim and offender may have their respective support persons in the meeting.

d. The victim shall be given the choice of speaking first to the offender.

4. If any participant or the facilitator sees a need to take a break during the dialogue, each side shall be separated and given time to decide whether to continue the dialogue or to terminate the process.

G. Following the Dialogue:

1. The facilitator will make follow up contacts with both the victim and the offender.

a. The facilitator should make an initial follow up within one day of the dialogue to determine whether they need assistance with handling the emotional after effects of the meeting.

- b. The facilitator should contact the victim and the offender within 2 months of the meeting to determine whether their expectations were met.
 - c. The facilitator will document each follow up and submit a written report of her/his findings to the victim services coordinator or the restorative justice coordinator.
 2. The facilitator shall complete and return all paperwork regarding each case to the victim services coordinator or restorative justice coordinator.
 3. To evaluate the program effectiveness, the
 - a. facilitator will request the offender to complete The Post Dialogue - Offender Survey (Attachment G), and
 - b. victims services coordinator or the restorative justice coordinator will send a request to the victim to complete Post Dialogue - Victim Survey (Attachment H).

IV. ATTACHMENTS:

- A. Victim Dialogue Information Sheet
- B. Offender Dialogue Information Sheet
- C. Victim-Offender Dialogue Facilitator Timesheet
- D. 931-3542 Consent to Interview/Photograph
- E. Offender Release for Victim-Offender Dialogue
- F. Victim Release for Victim-Offender Dialogue
- G. Post Dialogue - Offender Survey
- H. Post Dialogue - Victim Survey

V. REFERENCES:

- A. D1-4.3 Custodian of Records
- B. D2-13 Volunteers and Student Interns
- C. D2-13.1 Volunteers Procedure

VI. HISTORY:

- A. Original Effective Date: July 21, 2006