


POLICY TITLE: HARASSMENT		PAGE <u>1</u> OF <u>5</u>
POLICY NUMBER: 6.5		
CHAPTER 6: VICTIM SERVICES		
	STATE of MAINE DEPARTMENT OF CORRECTIONS	PROFESSIONAL STANDARDS: See Section VII
	Approved by: <u>Martin Magnusson</u> Signature of Commissioner	
EFFECTIVE DATE: July 11, 2000	LATEST REVISION: February 11, 2005	CHECK ONLY IF APA []

I. AUTHORITY

17-A M.R.S.A. Section 506-A.

II. APPLICABILITY

All Adult Correctional Facilities
 Adult Community Corrections

III. POLICY

To protect the rights of crime victims and the public and comply with the requirements of Maine law, all Chief Administrative Officers of adult facilities and Adult Regional Correctional Administrators shall maintain practices to respond to complaints of harassment by an adult who is in the custody or under the supervision of the Department, and to forbid such person to engage in any course of conduct with the intent to harass, torment or threaten another person.

This policy does not apply in cases of harassment of one prisoner by another. Those cases shall be handled through the prisoner disciplinary process.

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V. ATTACHMENTS

Attachment A: Maine Department of Corrections Harassment Notice

VI. PROCEDURES

Procedure A: Facility Notification to Prisoners

1. The Chief Administrative Officer of each adult correctional facility shall ensure that practices are in place to notify prisoners not to harass, torment or threaten another person when requested by the person who is the subject of the conduct. The Chief Administrative Officer shall designate a staff person to provide the notification.
2. If the Victim Services Coordinator is contacted directly by the person who is the subject of the conduct, the Victim Services Coordinator shall contact the designated staff person and provide the name, address, telephone number and specific circumstances which initiated the request. If the facility is contacted directly, the designated staff person shall notify the Victim Services Coordinator of the contact.
3. The designated staff person or Victim Services Coordinator shall request from the complainant any evidence of the harassment. The original evidence shall be placed in the prisoner's file with a copy to the Victim Services Coordinator.
4. The designated staff person shall interview the prisoner identified as the harasser, take his/her statement, if any, and forbid him/her to harass, torment or threaten the complainant, documenting the warning by using the attached notice form.
5. The prisoner shall be informed that failure to comply could result in criminal prosecution, as well as disciplinary action.

Procedure B: Investigation of Continued Harassment by Prisoner

1. If, after a warning has been made to the prisoner, the complainant reports continued harassment, the matter shall be referred to the facility's investigative officer for investigation for possible criminal prosecution. If a referral is made for possible criminal prosecution, documentation of the original complaint, any supporting evidence, and notice given to the prisoner, as well as documentation of the subsequent complaint and any supporting evidence, shall be provided by the investigating officer.
2. The complainant shall be notified of the department's response by the Victim Services Coordinator. Referral to the Victim Witness Advocate in the District

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Attorney's Office shall be made if the case is referred for possible criminal prosecution.

3. Regardless of whether criminal prosecution is likely to result from the referral, if there is sufficient basis for initiating the prisoner disciplinary process, a disciplinary report shall be completed by the designated staff person.

Procedure C: Notification to Probationer

1. The Adult Regional Correctional Administrator of each region shall ensure that practices are in place to respond to complaints of harassment by probationers of victims, witnesses or other persons. The Regional Correctional Administrator shall designate a staff person to respond to a complaint, or may refer any such complaint to local law enforcement for response.
2. If the Victim Services Coordinator is contacted by the person who is the subject of the conduct, the Victim Services Coordinator shall contact the designated staff person and provide the name, address, telephone number and specific circumstances which initiated the request.
3. If the complaint is not referred to local law enforcement, the designated staff person shall request from the complainant any evidence of the harassment. The evidence shall be placed in the probationer's file.
4. The designated staff person shall interview the probationer, take his/her statement, if any, and forbid him/her to harass, torment or threaten the complainant. The designated staff person shall document this warning using the attached notice form.
5. The probationer shall be informed that failure to comply could result in criminal prosecution, as well as probation revocation.

Procedure D: Investigation of Continued Harassment by Probationer

1. If, after a warning is made to the probationer, the complainant reports continued harassment, the matter shall be referred to local law enforcement for investigation for possible criminal prosecution. Documentation of the original complaint, any supporting evidence, and notice given to the probationer, as well as documentation of the subsequent complaint and any supporting evidence, shall be provided by the designated staff person.
2. When a case has been referred for local law enforcement investigation, the designated staff person shall notify the victim and provide the victim with the name and telephone number of the Victim Witness Advocate in the District Attorney's Office.

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3. Regardless of whether a criminal prosecution results from the referral, if there is sufficient evidence for probation revocation, it shall be left to the discretion of community corrections whether to initiate probation revocation proceedings.

Procedure E: Notification to Person on Supervised Community Confinement

1. The Adult Regional Correctional Administrator of each region shall ensure that practices are in place to respond to complaints of harassment by persons on supervised community confinement of victims, witnesses or other persons. The Regional Correctional Administrator shall designate a staff person to respond to a complaint.
2. If the Victim Services Coordinator is contacted directly by the person who is the subject of the conduct, the Victim Services Coordinator shall contact the designated staff person and provide the name, address, telephone number and specific circumstances which initiated the request. If the facility is contacted directly, the designated staff person shall notify the Victim Services Coordinator of the contact.
3. The designated staff person or Victim Services Coordinator shall request from the complainant any evidence of the harassment. The original evidence shall be placed in the person’s file with a copy to the Victim Services Coordinator.
4. The designated staff person shall interview the person identified as the harasser, take his/her statement, if any and forbid him/her to harass, torment or threaten the complainant, documenting the warning by using the attached notice form.
5. The person shall be informed that failure to comply could result in criminal prosecution, as well as removal from the Supervised Community Confinement Program and disciplinary action.

Procedure F: Investigation of Continued Harassment by Person on Supervised Community Confinement

1. If, after a warning has been made to the person, the complainant reports continued harassment, the matter shall be referred to local law enforcement for investigation for possible criminal prosecution. Documentation of the original complaint, any supporting evidence, and notice given to the person on supervised community confinement, as well as documentation of the subsequent complaint and any supporting evidence, shall be provided by the designated staff person.
2. The complainant shall be notified of the department’s response by the Victim Services Coordinator. Referral to the Victim Witness Advocate in the District

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Attorney's Office shall be made if the case is referred for possible criminal prosecution.

3. Regardless of whether criminal prosecution is likely to result from the referral, if there is sufficient basis for initiating the process for removing the person from the Supervised Community Confinement Program, that process shall be initiated by the designated staff person.

VII. PROFESSIONAL STANDARDS

None

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