
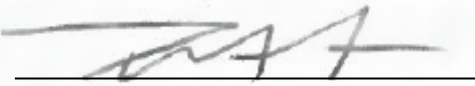


<b>POLICY TITLE: VICTIM/PRISONER OR VICTIM/RESIDENT DIALOGUE</b>		<b>PAGE 1 OF 7</b>
<b>POLICY NUMBER: 6.8</b>		
<b>CHAPTER 6. VICTIM SERVICES</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
<b>EFFECTIVE DATE:</b> December 11, 2002	<b>LATEST REVISION:</b> May 17, 2019	<b>CHECK ONLY IF</b> APA [ <input type="checkbox"/> ]

**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 Facilities

**III. POLICY**

It is the policy of the Department of Corrections to accommodate, when appropriate, a request from a victim to have a dialogue with a prisoner of an adult facility who has committed a crime against that victim or a resident of a juvenile facility who has committed a juvenile crime against that victim, subject to the conditions of this policy.

**IV. DEFINITIONS**

1. Victim – The person against whom a crime or juvenile crime was committed. For purposes of this policy, in the case of a homicide, the victim includes an immediate family member of the deceased. For purposes of this policy, in the case of a crime or juvenile crime committed against a person who is under 18 years of age at the time of the request for the dialogue, the victim is considered to be the parent or legal guardian of the minor.

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- Attachment A: Release of Liability for the Purpose of Participation in Victim/Prisoner or Victim/Resident Dialogue (Victim)
- Attachment B: Release of Liability for the Purpose of Participation in Victim/Prisoner or Victim/Resident Dialogue (Prisoner or Resident)
- Attachment C: Authorization for the Disclosure of Information for the Purpose of Participation in Victim/Prisoner or Victim/Resident Dialogue

## VII. PROCEDURES

### Procedure A: Victim/Prisoner or Victim/Resident Dialogue Process, General

1. This policy governs dialogues between members of the community who are victims of crimes committed by prisoners of the Department's adult facilities or victims of juvenile crimes committed by residents of the Department's juvenile facilities. No victim/prisoner or victim/resident dialogue shall take place except as provided in this policy.
2. The Department's Director of Victim Services, or designee, is responsible to oversee the victim/prisoner or victim/resident dialogue process.
3. Either the victim or the prisoner or resident, as applicable, may decide to discontinue participation in the dialogue process at any time for any reason.
4. The dialogue process shall only be initiated if there is a request, verbal or written, from a victim. The request shall come directly from the victim and not through a third party or otherwise indirectly.
5. The prisoner or resident shall not contact a victim, directly or indirectly, in an attempt to solicit the victim to request victim/prisoner or victim/resident dialogue.
6. The dialogue process shall not be initiated if:
  - a. the prisoner has not been convicted of the alleged crime or the resident has not been adjudicated of the alleged juvenile crime;
  - b. the person requesting the dialogue is under 18 years of age; or
  - c. contact between the victim and the prisoner or resident would violate a court order and/or any Department policy.
7. The Department's Director of Victim Services, or designee, shall evaluate all requests from a victim for victim/prisoner or victim/resident dialogue. If any of the above restrictions exists or if the Director of Victim Services, or designee, determines for another reason that a dialogue is not appropriate, the Director of Victim Services, or designee, shall so inform the victim and provide the reasoning behind the determination.

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8. If the Director of Victim Services, or designee determines, as a preliminary matter, that the dialogue would be appropriate, he or she shall provide the victim with:
  - a. a copy of this policy; and
  - b. a Release of Liability for the Purpose of Participation in Victim/Prisoner or Victim/Resident Dialogue (Victim) (Attachment A) relieving the Department and its staff, volunteers, and student interns from any liability and declaring that it is not the victim's intention to cause physical or emotional harm to any other person involved with the dialogue process.
  
9. If the victim submits the signed form, the Director of Victim Services, or designee, shall coordinate with the facility Chief Administrative Officer, or designee, and the prisoner's case manager or resident's social worker, as applicable, to determine the prisoner's or resident's willingness to participate in the dialogue process.
  
10. The prisoner's case manager or resident's social worker shall meet with the prisoner or resident to inform him or her of the victim's request for dialogue and ask if the prisoner or resident wishes to participate in the process. The case manager or social worker, as applicable, shall inform the prisoner or resident, as applicable, that:
  - a. the prisoner or resident must acknowledge responsibility for the crime or juvenile crime;
  - b. participation by the prisoner or resident is voluntary;
  - c. the prisoner or resident will not receive any benefit from the Department for agreeing to participate; and
  - d. refusal to participate will not be used by the Department against the prisoner or resident.
  
11. If the prisoner or resident agrees to participate, the prisoner's case manager or resident's social worker shall provide the prisoner or resident with:
  - a. a copy of this policy;
  - b. a Release of Liability for the Purpose of Participation in Victim/Prisoner or Victim/Resident Dialogue (Prisoner or Resident) (Attachment B) relieving the Department and its staff, volunteers, and student interns from any liability and declaring that it is not the prisoner's or resident's intention to cause physical or emotional harm to any other person involved with the dialogue process; and
  - c. an Authorization for the Disclosure of Information form (Attachment C).
  
12. If the prisoner or resident submits both signed forms to his or her case manager or social worker, as applicable, they shall be forwarded to the Director of Victim Services, or designee.

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13. The Director of Victim Services, or designee, shall then coordinate with the facility Chief Administrative Officer, or designee, to request a facility screening for appropriateness for a dialogue.
14. The facility screening process shall include:
  - a. a determination by facility healthcare staff whether there is any medical reason why the prisoner or resident cannot participate in a dialogue with the victim (e.g., dementia);
  - b. a determination by facility mental health staff whether participation in the dialogue would have an adverse impact on the prisoner's or resident's emotional stability; and
  - c. a determination by the Chief Administrative Officer, or designee, whether there are safety or security concerns that would preclude the dialogue.
15. The results of the screening shall be reported to the Director of Victim's Services, or designee.
16. If the screening indicates that the dialogue would not be appropriate, the Director of Victim's Services, or designee, shall so inform the victim and provide to the victim only the reasoning behind the determination. The prisoner's case manager or resident's social worker shall inform the prisoner or resident of the decision not to go forward with the dialogue.
17. If the screening indicates that the dialogue would be appropriate, the Director of Victim's Services, or designee, shall make the decision whether to go forward with the dialogue and ensure that both the victim and the prisoner or resident are informed of the decision.
18. If the Director of Victim's Services, or designee, decides to go forward with the dialogue, he or she shall:
  - a. select the facilitator for the dialogue from among persons trained as facilitators and approved by the Department's Director of Victim Services;
  - b. provide the selected facilitator with a copy of this policy;
  - c. ensure that criminal record checks and all other security checks are conducted on the victim and the facilitator;
  - d. provide the victim with an introduction to the facilitator;
  - e. provide other assistance to the victim and the facilitator, as requested and as appropriate; and
  - f. ensure prior notification of the dates and times of any preparatory meetings with the prisoner or resident and of the dialogue are provided to the facility Chief Administrative Officer, or designee.
19. Neither any preparatory meeting nor the actual dialogue shall be counted as a prisoner or resident visit under Departmental policy.

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20. The Chief Administrative Officer, or designee, has the authority to postpone, cancel or terminate a dialogue at any time for safety, security or orderly management reasons.
21. The Director of Victim Services, or designee, has the authority to postpone, cancel or terminate a dialogue at any time for any reason in his or her complete discretion.
22. All information pertaining to a request for a dialogue, the dialogue process, preparation for a dialogue, the dialogue itself, and any other related matters shall be kept confidential.
23. This policy does not pertain to a restorative justice intervention with residents. However, in the event when a resident is engaged in a restorative justice intervention(s) that seeks to involve a victim, the Department's Director of Victim Services shall be notified, who shall ensure that all applicable Departmental policies concerning victims are followed.

**Procedure B: Preparation for the Dialogue**

1. The Department's Director of Victim Services, or designee, has full discretion to determine who shall prepare the victim and/or the prisoner or resident for the dialogue and may require that a preparatory meeting be attended by both the Director of Victim Services, or designee, and the facilitator, or by one without the other.
2. The Department's Director of Victim Services, or designee, has full discretion to determine the number and purpose of preparatory meetings, whether with the victim or with the prisoner or resident, except that there shall be at least one meeting with the victim and at least one meeting with the prisoner or resident prior to the dialogue.
3. The facility Chief Administrative Officer, or designee, shall ensure that prior to meeting with the prisoner or resident, the facilitator has completed the volunteer orientation as set out in Department Policy (AF) 26.1, Community Volunteer Programs, General Guidelines and has agreed in writing to abide by all the rules of the Department and facility in accordance with that policy.

**Procedure C: The Dialogue**

1. The facility Chief Administrative Officer, or designee, shall arrange a secure, private setting (such as an attorney/client visit room or similar space within the facility) for the dialogue.
2. Facility staff shall supervise the dialogue as appropriate but shall not intentionally listen to the conversation.
3. The dialogue shall not be audio recorded, video recorded, or take place in the presence of news media.

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4. The victim/prisoner or victim/resident dialogue must concern only the crime which the prisoner was convicted of committing against the victim or the juvenile crime which the resident was adjudicated of committing against the victim.
5. The facilitator and the Director of Victim Services, or designee, shall be present during the entire dialogue, unless otherwise determined by the Director of Victim Services, or designee.
6. Any participant in the dialogue (victim, prisoner or resident, facilitator, or Director of Victim Services, or designee) may terminate the dialogue at any time for any reason.
7. Facility staff shall terminate or otherwise intervene during the dialogue when it is determined that safety, security, or orderly management warrants intervention.
8. The dialogue shall be a single event and subsequent meetings or dialogues between the victim and the prisoner or resident shall not be allowed.

**Procedure D: Post-Dialogue**

1. The facilitator shall debrief the victim separately following the dialogue and shall make any necessary referrals through the Director of Victim Services, or designee. The facilitator shall not maintain a relationship with the victim after the conclusion of the dialogue process.
2. The facilitator shall debrief the prisoner or resident separately following the dialogue. The facilitator shall not maintain a relationship with the prisoner or resident after the conclusion of the dialogue process.
3. The facilitator shall notify the Director of Victim Services, or designee, once the dialogue process has concluded, including both debriefings, and shall provide a written overview of the preparatory meetings, the dialogue, and the debriefings, and any other written report requested.
4. The Chief Administrative Officer, or designee, shall offer to the prisoner or resident to be seen by a member of the facility mental health staff after the prisoner or resident is debriefed by the facilitator.
5. The Director of Victim Services, or designee, shall maintain all documents pertaining to the dialogue process in a way that ensures their confidentiality.

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## VIII. PROFESSIONAL STANDARDS

ACA:

### ACI

5-5F-4447-2 Where a facilitated victim prisoner or resident dialogue program exists, written policy, procedure and practice provide that there is a program initiated and requested only by a victim or victim/survivor that provides an opportunity for such victims or survivors to meet face-to-face or by other means with the inmate responsible for their victimization [in a safe, secure, and confidential setting after thorough preparation with, and with the assistance of a properly trained facilitator.](#)

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