

MAINE DEPARTMENT OF CORRECTIONS

NOTIFICATION OF POLICY 6.3, CONTACT WITH VICTIMS

This information is being provided to residents about the prohibitions on victim contact set out in Department Policy 6.3, Contact with Victims. This notification summarizes the prohibitions. A copy of the full policy is maintained in the facility library for review and is available on the tablets. In addition, a resident may address questions about this policy to their case manager (if a resident of an adult facility) or social worker (if a resident of a juvenile facility) or other appropriate staff.

1. If any of the below applies, a resident is not allowed to have any contact, direct or indirect, with their victim under any circumstances.
 - There is a written request from the victim, whether the victim is an adult or a minor, the legal guardian of an adult victim, or the parent or other legal guardian of a minor victim requesting all contact between the resident and the victim be prohibited;
 - All contact between the resident and the victim is prohibited by a current court order, e.g., a custody order or protection from abuse or other protective order, etc.;
 - All contact between the resident and the victim is prohibited by a condition of bail or conditional release, administrative release, deferred disposition, probation, supervised release for sex offenders, supervised community confinement, parole, conditional commutation, or community reintegration status of either the resident or the victim, including any condition that is currently in effect, is to become effective at a later date, or is no longer in effect as the result of a revocation that was, is, or will be served during the current time in custody, current detention order for violation of conditional release, or current return from community reintegration status or from supervised community confinement;
 - There is a current harassment notification issued pursuant to Title 17-A, section 506-A for the resident not to engage in harassing conduct against the victim; or
 - The facility CAO, or designee, is currently prohibiting contact between the resident and the victim for any reason set out in any Department policy.
2. If none of the above applies, and the resident is currently in the Department's legal custody for domestic violence, a sex offense, child abuse, or child neglect (i.e., the resident was, is, or will be serving a sentence or disposition during the current time in custody for the domestic violence, sex offense, child abuse, or child neglect), the resident is not allowed to have contact with the victim unless the resident is granted a waiver by the Commissioner, or designee. This includes if the resident is currently in custody on a conviction or adjudication for domestic violence, a sex offense, child abuse, or child neglect; on a conviction or adjudication for another offense if a formal charge of domestic violence, a sex offense, child abuse, or child neglect was pled down to the other offense or dismissed in exchange for a plea to the other offense; on a detention order for a charge of one these offenses; or on a revocation of administrative release, deferred disposition, probation, supervised release for sex offenders, supervised community confinement, parole, conditional commutation, or community reintegration status due to a violation based on conduct consisting of one of these offenses. It also includes if the resident is currently in custody due to an incident involving conduct consisting of one of these offenses. Also, a resident who has a totally suspended sentence or disposition for domestic violence, a sex offense, child abuse, or child neglect that is concurrent with or consecutive to any other sentence or disposition for which the resident is currently in the Department's legal custody is not allowed to have contact with the victim unless the resident is granted a waiver by the Commissioner, or designee.
3. If nothing in number 1 above applies, and the resident has an open child protection case with DHHS (or during the resident's current time in custody the resident had an open child protection case with DHHS which was later closed primarily because DHHS determined that the child is safe from abuse or neglect due to the resident's being in custody and there being a DHHS safety plan in place that prohibits some or all contact), the resident is not allowed to have contact with their child unless they are granted a waiver by the Commissioner, or designee.
4. If nothing in number 1 above applies, and the resident's parental rights were involuntarily terminated, the resident is not allowed to have contact with their child unless they are granted a waiver by the Commissioner, or designee. A termination of parental rights is considered involuntary if it was the result of a court case initiated by DHHS or a private party other than the resident.
5. If a resident contacts or attempts to contact any person with whom they are prohibited from having contact by this policy, they may be subject to criminal or juvenile criminal charges, revocation of probation (if a resident of an adult facility), facility discipline, or other appropriate legal or administrative action.