



<b>POLICY TITLE: VICTIM NOTIFICATION OF PRISONER OR JUVENILE RELEASE</b>		<b>PAGE 1 of 8</b>
<b>POLICY NUMBER: 6.1</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> <b>March 5, 1992</b>	<b>LATEST REVISION:</b> <b>December 14, 2015</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 15 M.R.S.A. Section 3007 and 17-A M.R.S.A. Section 2106.

**II. APPLICABILITY**

All Adult and Juvenile Correctional Facilities

**III. POLICY**

To help ensure the safety of persons who are victims of certain crimes and juvenile crimes, Maine's victims' rights law requires that the Department of Corrections notify certain crime and juvenile crime victims when the prisoner or juvenile client receives an unconditional release and discharge from institutional confinement or receives a conditional release from institutional confinement, including probation, parole, supervised release for sex offenders, furlough pass or furlough leave, work, education or public service release, supervised community confinement, or community reintegration.

In addition, the Department provides notification of a prisoner's release and discharge from supervised community confinement, either upon the expiration of the sentence or to probation. As well, the Department provides a notification of a return to custody from supervised community confinement or community reintegration or upon revocation of probation, parole or supervised release for sex offenders. Also, the Department provides notification of a prisoner's or juvenile's attendance at a funeral or death bed visit. Finally, notification to a victim is made if the prisoner or juvenile escapes, upon the escapee's return to custody, and if a prisoner or juveniles dies.

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#### V. ATTACHMENTS

None

#### VI. PROCEDURES

##### **Procedure A: Victim Request for Notification of Prisoner's or Juvenile's Release, General**

1. For purposes of this policy, a victim is:
  - a. A person who is the victim of a crime or a juvenile crime;
  - b. The immediate family of a victim of a crime or a juvenile crime if the underlying crime or juvenile crime is one of domestic violence or sexual assault or one in which the family suffered serious physical trauma or serious financial loss;
  - c. The immediate family of a victim of a crime or a juvenile crime if due to death, age, physical or mental disease, disorder or defect, the victim is unable to participate in the victim notification process;
  - d. A person who has obtained an active court order or court-approved consent agreement against the prisoner or juvenile for protection from abuse;
  - e. A person who has obtained an active harassment warning against the prisoner or juvenile; or
  - f. A person who has received notification of threats due to an active duty to warn.
2. Victim notification is required to be made when all of the following statutory conditions are met:
  - a. The person is the victim of a crime of murder or of a Class A, B, or C crime or of a Class D crime under Chapter 9, 11 or 12 or equivalent juvenile crime for which the prisoner or juvenile has been sentenced to or given a disposition of institutional confinement with the Department of Corrections;
  - b. The victim has filed a verbal or written request for notification of the prisoner's or juvenile's release with the office of the prosecutor handling the case or with the Department of Corrections; and

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- c. If applicable, the prosecutor has forwarded the victim's request to the Department of Corrections.
3. Upon receiving a victim's request for notification of release from a prosecutor's office or from the victim, the Director of Victim Services, or designee, shall:
    - a. Determine the location of the prisoner or juvenile;
    - b. Enter the requirement for victim notification in the field provided in the prisoner's or juvenile's CORIS record and file the original request form, if applicable, in the Office of Victim Services;
    - c. Acknowledge, either in writing or verbally, to the victim that the request has been received;
    - d. Provide, in the case of a prisoner, the earliest possible release date of the prisoner under applicable laws and present policies; and
    - e. Provide notifications of release, as required.

**Procedure B: Responsibilities of Facility Staff**

1. The Chief Administrative Officer of each facility shall designate staff to be responsible to provide the Director of Victim Services, or designee, with a list of prisoners or juveniles:
  - a. Who are scheduled to receive an unconditional release and discharge from institutional confinement;
  - b. Who are scheduled to receive a conditional release from institutional confinement to probation, parole or supervised release for sex offenders;
  - c. Who are scheduled to receive a release and discharge from supervised community confinement, either upon the expiration of the sentence or to probation;
  - d. Who are scheduled to receive a furlough leave, a furlough pass on a recurring basis (e.g., weekly trips to AA), a furlough pass for a specific occasion, or work, education or public service release; or
  - e. For whom a residential placement or shelter placement is being sought.
2. The Chief Administrative Officer of each adult facility shall designate staff to be responsible to provide the Director of Victim Services, or designee, with a list of prisoners being considered for supervised community confinement (i.e., have been referred to adult community corrections for investigation) and a list of those prisoners scheduled for conditional release to supervised community confinement.
3. In addition to the current date of release from institutional confinement, whether unconditional or conditional to probation, parole, supervised release for sex offenders, or supervised community confinement, designated facility staff shall provide to the Director of Victim Services, or designee, anticipated residence

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information for any prisoner who is required to register as a sex offender, if known. If this information changes, designated facility staff shall notify the Director of Victim Services, or designee.

4. The Chief Administrative Officer of each juvenile facility shall designate staff to be responsible to provide the Director of Victim Services, or designee, with a list of juveniles being considered for community reintegration (i.e., have reached Phase 3) and a list of those juvenile scheduled for conditional release to community reintegration.
5. The Chief Administrative Officer of each facility shall designate staff to be responsible to notify the Director of Victim Services, or designee, immediately by telephone and email in a case of escape, approval for attendance at a funeral or death bed visit, or another situation that might require immediate notification.
6. The Chief Administrative Officer of each facility shall designate staff to be responsible to notify the Director of Victim Services, or designee, by telephone and email as soon as reasonable after an escapee has been apprehended.
7. The Chief Administrative Officer of each facility shall designate staff to be responsible to notify the Director of Victim Services, or designee, by email as soon as reasonable after a prisoner has been returned to custody from supervised community confinement or upon revocation of probation, parole or supervised release for sex offenders or a juvenile has been returned to custody from community reintegration or upon revocation of probation.
8. The Chief Administrative Officer of each facility shall designate staff to be responsible to notify the Director of Victim Services, or designee, by telephone and email as soon as reasonable if a prisoner or juvenile dies.
9. Designated facility staff shall provide to the Director of Victim Services, or designee, in a timely manner all the information required in order for the Director, or designee, to provide victim notification as set out in Procedure C below.
10. Designated facility staff shall also provide notice to the Director of Victim Services, or designee, in a timely manner if the information relating to a conditional release to furlough pass or furlough leave, work, education or public service release, supervised community confinement, or community reintegration has changed (e.g., significant delay in approval process, new date of conditional release, or new address).

**Procedure C: Responsibilities of Director of Victim Services**

1. Unless the Director of Victim Services, or designee, determines that certified mail is more appropriate, notification to the victim by the Director of Victim Services, or designee, shall be by regular mail a minimum of thirty (30) days prior to the

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prisoner's or juvenile's current date of release from institutional confinement, or as soon thereafter as the release date is set, for prisoners or juveniles:

- a. Who are scheduled to receive an unconditional release and discharge from institutional confinement;
  - b. Who are scheduled to receive a conditional release from institutional confinement to probation, parole or supervised release for sex offenders; and
  - c. Who are scheduled to receive a release and discharge from supervised community confinement, either upon the expiration of the sentence or to probation.
2. Notification to the victim by the Director of Victim Services, or designee, shall be by regular mail:
    - a. In the case of a prisoner or juvenile who is scheduled for work, education, or public service release, as soon as reasonable after employment is obtained or education or public service is arranged, but not later than three (3) days prior to participation in the release. The only exception is if an employment or education placement must be accepted sooner in order to prevent the placement from being lost; and
    - b. In the case of a prisoner or juvenile who is scheduled for a furlough pass or furlough leave, fourteen (14) days prior to the prisoner's or juvenile's participation in a first furlough pass or furlough leave and seven (7) days prior to participation in any subsequent furlough pass or furlough leave.
  3. In the case of a juvenile or prisoner for whom a residential placement or shelter placement is being considered, the Director of Victim Services, or designee, shall advise the victim of the possibility of placement as soon as reasonable after placement is initially recommended.
  4. In the case of a prisoner who is being considered for supervised community confinement, the Director of Victim Services, or designee, shall advise the victim of the possibility of transfer to supervised community confinement as soon as reasonable after the referral for investigation.
  5. Notification to the victim by the Director of Victim Services, or designee, shall be by regular mail in the case of a prisoner who is scheduled for conditional release to supervised community confinement, fourteen (14) days prior to the date of the prisoner's transfer to supervised community confinement. The only exception is if a residential or shelter placement must be accepted sooner in order to prevent the bed space from being lost and the Commissioner, or designee, after consultation with the Director of Victim Services, or designee, approves a waiver of the fourteen (14) day notification requirement.
  6. In the case of a juvenile for whom community reintegration is being considered, the Director of Victim Services, or designee, shall advise the victim of the

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possibility of placement on community reintegration as soon as reasonable after the juvenile reaches Phase 3.

7. Notification to the victim by the Director of Victim Services, or designee, shall be by regular mail in the case of a juvenile who is scheduled for conditional release to community reintegration, thirty (30) days prior to the date of the juvenile's placement on community reintegration. The only exception is if a residential or shelter placement must be accepted sooner in order to prevent the bed space from being lost and the Commissioner, or designee, after consultation with the Director of Victim Services, or designee, approves a waiver of the thirty (30) day notification requirement.
8. Notification to the victim by the Director of Victim Services, or designee, shall be by telephone as soon as reasonable after a prisoner or juvenile has escaped, has been approved for attendance at a funeral or death bed visit, there is an emergency or other circumstance not permitting timely notification by mail, or there is otherwise a need to notify the victim immediately.
9. Unless the Director of Victim Services, or designee, determines that notification by telephone is more appropriate, notification to the victim by the Director of Victim Services, or designee, shall be by regular mail as soon as reasonable after an escapee has been apprehended or a prisoner has been returned to custody from supervised community confinement or upon revocation of probation, parole or supervised release for sex offenders or a juvenile has been returned to custody from community reintegration or upon revocation of probation. The only exception to this notification requirement is if an escapee had been apprehended prior to the victim's having received notification of the escape.
10. Unless the Director of Victim Services, or designee, determines that notification by telephone is more appropriate, notification to the victim by the Director of Victim Services, or designee, shall be by regular mail as soon as reasonable after a prisoner or juvenile dies.
11. The Director of Victim Services, or designee, shall obtain from the Director of Classification, or designee, notice of prisoner transfers to minimum security facilities. If a prisoner for whom there is victim notification is transferred to a minimum security facility, the Director of Victim Services, or designee, shall advise the victim of the transfer by regular mail as soon as reasonable after the transfer and shall also advise the victim of the possibility of the prisoner receiving furlough passes on a recurring basis.
12. Victim notification must include:
  - a. The name of the prisoner or juvenile;
  - b. The nature of the release authorized;
  - c. The anticipated date of the release and any date on which the prisoner or juvenile must return to institutional confinement, if applicable;

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- d. The geographic area to which the prisoner's or juvenile's release is limited, if any;
  - e. The address at which the prisoner or juvenile will reside, if applicable and if known; and
  - f. The address at which the prisoner or juvenile will work or go to school, if applicable.
13. In any case in which victim notification cannot be accomplished, the Director of Victim Services, or designee, shall take whatever action the Director, or designee, determines is appropriate.
14. The notification requirement ends when:
- a. The prisoner or juvenile has been unconditionally released and discharged from institutional confinement;
  - b. The court order or court-approved consent agreement for protection from abuse is no longer active;
  - c. The harassment warning is no longer active;
  - d. The duty to warn is no longer active;
  - e. The victim has filed a written request with the Department asking that no further notification be given; or
  - f. A victim notification is sent by mail and is returned as undeliverable because the person is no longer at the listed address and a new address has not been provided by the victim or prosecutor.
15. The request for notification, a copy of any letter acknowledging the request, a copy of any victim notification mailed to the victim, as well as any return receipt for certified mail, any written request asking for no further notification, and correspondence related to a victim notification request shall be placed in a confidential file maintained by the Director of Victim Services, or designee. The facts that the victim has requested notification, that there has been a verbal or written acknowledgement of the request, and all victim notifications, by phone or mail, shall also be documented in a confidential location in CORIS.
16. The notations in the prisoner's or juvenile's CORIS record, the documents described in this policy, and all other records indicating the existence of a victim notification request shall be handled as confidential information in accordance with State law and Department policy.

**Procedure D: Verifying and Monitoring Victim Notifications**

- 1. The Director of Victim Services, or designee, shall, at least yearly, print out the victim notification CORIS list to verify that the list is correct and up to date.

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## VII. PROFESSIONAL STANDARDS

ACA

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- 5-ACI-5F-06**            **Written policy, procedure, and practice provide that consistent with the law and legal practices within the jurisdiction, there is a system for providing notification and information to the registered victim(s) regarding the offenders in the victim's case.**
- 4-ACRS-7F-06**            **Consistent with the laws of the jurisdiction, registered victim(s) of a crime are notified prior to any release from confinement of the convicted offender and/or escape from custody. Follow up notification to victim(s) occurs when escapees are returned to custody.**
- 4-JCF-6G-07**            **Consistent with jurisdictional laws, registered crime victim(s) are notified of a juvenile offender's release prior to any planned release from confinement and/or escape from custody. Follow up notification to victim(s) occurs when escapees are returned to custody.**

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