
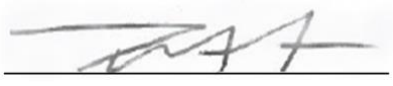


POLICY TITLE: VICTIM IMPACT DIALOGUE		PAGE 1 OF 8
POLICY NUMBER: 6.8		
CHAPTER 6: VICTIM SERVICES		
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
EFFECTIVE DATE: December 11, 2002	LATEST REVISION: April 13, 2022	CHECK ONLY IF APA []

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 and Adult Community Corrections

III. POLICY

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

IV. DEFINITIONS

1. Facilitator – Department staff or a member of the community who has been trained in victim-centered victim impact dialogue through arrangements made by the Department’s Director of Victim Services, or designee, and who is approved to act as a victim impact dialogue facilitator by the Department’s Director of Victim Services, or designee.
2. Staff - for purposes of this policy, Department employee or a person in a facility providing services to an adult resident or a juvenile resident by agreement with or under contract with the Department (e.g., facility health care staff), but not including a volunteer, student intern, delivery person, etc.
3. Victim – the person against whom a crime or juvenile crime was committed, including Department staff, a student intern, or a volunteer against whom a crime or juvenile crime was committed. For purposes of this policy:
 - a. in the case of a homicide, the victim includes an immediate family member of the deceased;
 - b. 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; or

- c. another person that the Department’s Director of Victim Services, or designee, determines is a victim for the purposes of this policy, e.g., the person is the victim of a crime that an adult resident or adult community corrections client has been charged with but not convicted of as a result of a plea agreement.

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VII. PROCEDURES *5-ACI-5F-08*

Procedure A: Victim Impact Dialogue, General

1. This policy governs victim impact dialogues involving members of the community or Department staff, student interns, or volunteers who are victims of crimes committed by residents of the Department’s adult facilities or by clients of adult community corrections or who are victims of juvenile crimes committed by residents of the Department’s juvenile facilities.
2. No victim impact dialogue, letter writing alternative to the dialogue, or other restorative justice interventions involving victims in the community, Department staff, student interns, or volunteers shall take place except as provided in this policy, unless approved by the Department’s Director of Victim Services, or designee, e.g., an apology letter.
3. This policy does not govern restorative justice processes involving clients of juvenile community corrections or between residents in the facilities.
4. The victim impact dialogue process shall only be initiated if there is a request, verbal or written, from a victim to the Department’s Office of Victim Services.
5. Neither the resident or client nor any other person shall contact a victim, directly or indirectly, in an attempt to solicit the victim to request a victim impact dialogue.
6. The Department’s Office of Victim Services may provide information regarding this policy, along with other victim services provided by the Department to victims.

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7. The victim impact dialogue process shall not be initiated if:
 - a. in the case of an adult resident or adult community corrections client, the person has not been charged with or convicted of the crime against the victim;
 - b. in the case of a juvenile resident, the resident has not been adjudicated of the juvenile crime;
 - c. in the case of a juvenile resident, the resident is under 18 years of age, unless the Department's Office of Victim Services, or designee, determines otherwise;
 - d. contact between the victim and the resident would violate a court order and/or any Department policy; or
 - e. the victim requesting the dialogue is under 18 years of age, unless the Department's Office of Victim Services, or designee, determines otherwise.
8. The Department's Director of Victim Services, or designee, has the authority to postpone or cancel a victim impact dialogue at any time for any reason.
9. In the case of a victim impact dialogue involving a facility resident, the facility Chief Administrative Officer, or designee, has the authority to postpone or cancel a victim impact dialogue at any time for safety, security, or orderly management reasons.
10. In the case of a victim impact dialogue involving a community corrections client, the Regional Correctional Administrator, or designee, has the authority to postpone or cancel a victim impact dialogue at any time for safety reasons.
11. The facilitator has the authority to postpone or cancel a victim impact dialogue at any time for any reason.
12. The victim or the resident or client may postpone or cancel a victim impact dialogue at any time for any reason.
13. Neither any preparatory meeting nor the actual dialogue or debriefings shall be counted as a resident visit under Department policy.
14. The victim and the resident or client shall agree that there shall be no direct or indirect contact outside of this policy or other Department policies while the resident or client is in the custody or under the supervision of the Department, unless approved by the Department's Director of Victim Services, or designee.
15. The preparatory meetings and the victim impact dialogue shall take place in person, unless there are circumstances that warrant a preparatory meeting or the dialogue being conducted by video conferencing as determined by the Department's Director of Victim Services, or designee, e.g., Covid restrictions, victim transportation issues, etc.
16. The preparatory meetings and the victim impact dialogue shall not be audio recorded, video recorded, live streamed, transcribed, or take place in the presence or within the hearing of news media or other persons not directly involved in the dialogue.

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17. All information pertaining to a request for a victim impact dialogue, preparation for a dialogue, the dialogue itself, the post-dialogue briefings, and any other related matters shall be kept confidential by all participants and all others involved and may not be used in any subsequent administrative or court proceeding. Notwithstanding this:
 - a. the victim or the resident or client may discuss the dialogue with a mental health professional in order to process its impact on the person's mental health;
 - b. the disclosure of previously unreported abuse or neglect of a child or a dependent adult shall be reported by the facilitator or the Director of Victim Services, or designee, to the Department of Health and Human Services;
 - c. the disclosure of a previously unreported violent crime shall be reported by the facilitator or the Director of Victim Services, or designee, to the appropriate criminal justice agency; and
 - d. the occurrence of inappropriate behavior during a preparatory meeting, the dialogue, or a debriefing shall be reported by the facilitator or the Director of Victim Services, or designee, to facility staff or probation office staff, as applicable.

Procedure B: Staff Responsibilities

1. The Department's Director of Victim Services is responsible for the overall management and oversight of the victim impact dialogue process.
2. The Department's Director of Victim Services, or designee, shall evaluate all requests from a victim for a victim impact dialogue and:
 - a. if any restrictions exist or if the Director, or designee, determines for another reason that a dialogue is not appropriate, the Director, or designee, shall so inform the victim and, if appropriate, provide the reasoning behind the determination; or
 - b. if the Director, or designee, determines, as a preliminary matter, that a victim impact dialogue would be appropriate, the Director, or designee, shall provide the victim with:
 - 1) a copy of this policy; and
 - 2) a Victim Agreement for Participation in Victim Impact Dialogue (Attachment A).
3. If the victim submits the signed agreement, the Department's Director of Victim Services, or designee, shall determine the resident's willingness to participate in the dialogue process and may coordinate with appropriate facility or adult community corrections staff to do so.
4. The Department's Director of Victim Services, or designee, or staff with whom they are coordinating, shall meet with the resident or client to inform them of the victim's request for dialogue and ask if the resident or client wishes to participate in the process. The resident or client shall be informed that:
 - a. the resident or client must acknowledge at least partial responsibility for the crime or juvenile crime;
 - b. participation by the resident or client is voluntary;

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- c. the resident or client 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 resident or client.
5. If the resident or client agrees to participate, the resident or client shall be provided with:
- a. a copy of this policy;
 - b. a Resident/Client Agreement for Participation in Victim Impact Dialogue (Attachment B); and
 - c. an Authorization for the Disclosure of Information for the Purpose of Participation in Victim Impact Dialogue form (Attachment C).
6. If the resident or client submits both signed forms, the forms shall be forwarded to the Department's Director of Victim Services, or designee, who shall then coordinate with the facility Chief Administrative Officer, or designee, or the Regional Correctional Administrator, or designee, as applicable, to request a screening for appropriateness for a dialogue.

Procedure C: Screening

1. The facility screening process shall include:
- a. a determination by facility health care staff whether there is any medical reason why the resident cannot participate in a dialogue with the victim (e.g., advanced dementia);
 - b. a determination by facility mental health staff whether participation in the dialogue would have a severe adverse impact on the resident's mental health; and
 - c. a determination by the facility Chief Administrative Officer, or designee, whether there are safety, security or orderly management reasons that would preclude the dialogue (e.g., the resident is assaultive).
2. The community screening process shall include a determination by the Regional Correctional Administrator, or designee, whether there are safety reasons that would preclude the dialogue.
3. The results of the screening shall be reported to the Department's Director of Victim's Services, or designee.
4. If the screening indicates that the dialogue would not be appropriate, the Department's Director of Victim's Services, or designee, shall:
- a. inform the victim of the decision not to go forward with the dialogue and, if appropriate, provide to the victim the reasoning behind the decision; and
 - b. inform or have other staff inform the resident or client of the decision not to go forward with the dialogue and, if appropriate, provide to the resident or client the reasoning for the decision.

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5. If the screening indicates that the victim impact dialogue would be appropriate, the Department's 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 resident are informed of the decision.

Procedure D: Preparation for the Dialogue

1. If the Department's Director of Victim Services, or designee, approves the victim impact dialogue, the Director, or designee, shall:
 - a. select the facilitator for the dialogue from among persons trained as facilitators and approved by the Director, or designee;
 - 1) The Director, or designee, may determine that more than one facilitator is necessary for a particular victim impact dialogue.
 - b. provide the selected facilitator with a copy of this policy and of any documents needed for the facilitator to conduct preparatory meetings and the dialogue;
 - c. ensure, if the dialogue is to occur at a facility, that a criminal record check is conducted, if appropriate, with respect to the victim and the facilitator, if the facilitator is not staff;
 - 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 the preparatory meetings with the resident or client and of the victim impact dialogue are provided to the appropriate staff.
2. The Department's Director of Victim Services, or designee, has full discretion to determine:
 - a. who shall prepare the victim or prepare the resident or client for the victim impact dialogue and may require that a preparatory meeting be attended by both the Director, or designee, and the facilitator, or by one without the other; and
 - b. the number and purpose of preparatory meetings, whether with the victim or with the resident or client, except that there shall be at least one preparatory meeting with the victim and at least one preparatory meeting with the resident or client prior to the dialogue and preparatory meetings with the victim shall be separate from preparatory meetings with the resident or client.
3. The facility Chief Administrative Officer, or designee, shall ensure that prior to meeting with the resident, the facilitator, if not Department staff, 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.
4. The Regional Correctional Administrator, or designee, shall ensure that prior to meeting with the client, the facilitator, if not Department staff, has completed an orientation to the community corrections office rules and has agreed in writing to abide by all the rules of

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the Department and office by signing the Community Corrections Office Agreement for a Non-Staff Facilitator (Attachment D).

Procedure E: The Victim Impact Dialogue

1. The facility Chief Administrative Officer, or designee, or the Regional Correctional Administrator, or designee, as applicable, shall arrange a secure, private setting (such as an attorney/client visit room or similar space within the facility or office) for the victim impact dialogue.
2. The facilitator and the Department's Director of Victim Services, or designee, shall be present during the entire dialogue, unless otherwise determined by the Director, or designee.
3. The dialogue must concern only the crime which the resident or client was charged with or convicted of committing against the victim or the juvenile crime which the resident was adjudicated of committing against the victim.
4. The facilitator shall set and adhere to clear objectives for the dialogue and ensure the dialogue stays on topic.
5. Any participant in the dialogue (victim, resident or client, facilitator, or the Department's Director of Victim Services, or designee) may terminate the dialogue at any time for any reason.
6. Facility staff or adult community corrections staff may supervise the dialogue as appropriate but shall not intentionally listen to the conversation.
7. Nothing in this policy restricts the ability of facility or adult community corrections staff from taking any action necessary to manage any situation, e.g., facility goes into lockdown, police are called to the office, etc.
8. The victim impact dialogue shall be a single event, unless otherwise determined by the Department's Director of Victim Services, or designee, and subsequent preparatory meetings, dialogues, or other contact between the victim and the resident or client shall not be allowed, unless otherwise determined by the Department's Director of Victim Services, or designee.

Procedure F: Letter Writing as an Alternative to In-Person Dialogue

1. If the victim does not wish to participate in a victim impact dialogue in person but wishes to communicate by letter with the resident or client for purposes similar to a dialogue, the Department's Director of Victim Services, or designee, may offer this as an alternative.
2. The Department's Director of Victim Services, or designee, shall determine if a letter exchange through the Director, or designee, is appropriate and the parameters of the exchange, e.g., how many letters may be exchanged, how frequently they may be exchanged, etc.

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3. If letter writing is approved, the victim and the resident or client shall sign the applicable participation agreement (Attachment A and B) and the resident or client shall sign the authorization for disclosure of information form (Attachment C).
4. The Department's Director of Victim Services, or designee, shall receive and review all letters between the victim and the resident or client for appropriateness.
5. All other provisions of this policy shall apply as relevant.

Procedure G: Post-Dialogue

1. The facilitator shall:
 - a. debrief the victim separately following the victim impact dialogue and shall make any necessary referrals through the Department's Director of Victim Services, or designee;
 - b. debrief the resident or client separately following the dialogue; and
 - c. not maintain a relationship with the victim or the resident or client after the conclusion of the dialogue process.
2. The facilitator shall notify the Department's 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 by the Director, or designee.
3. If the dialogue involved a resident of a facility, the Chief Administrative Officer, or designee, shall ensure the resident is offered the opportunity to be seen by a member of the facility mental health staff after the resident is debriefed by the facilitator.
4. The Department's Director of Victim Services, or designee, shall maintain all documents pertaining to the victim impact dialogue process confidentially and pursuant to the Department's Records Retention Schedule.

VIII. PROFESSIONAL STANDARDS

ACA

5-ACI-5F-08 Where a facilitated victim offender 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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