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Signature: /s/ Judy Beck	Position Title: Communications Director	



# **VICTIM SERVICES STANDARD OPERATIONS PROCEDURE GUIDE**

## **APPLICABILITY**

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

**VICTIM SERVICES STANDARD OPERATIONS PROCEDURE GUIDE  
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## **I. Introduction to Department of Corrections Victim Services**

### **A. Victim Services at a Glance**

The Montana Department of Corrections serves crime victims whose offenders are under Department custody or supervision. The Department maintains notification systems to provide information to victims, family members, and witnesses regarding offender custody and location changes. The Department also offers restorative justice programs which provide a voice for crime victims, promote healing for all parties affected by the crime, and hold offenders accountable with the goal of successful re-entry into society.

Brochures, program manuals and other information can be found at the Victim Programs website at: <http://cor.mt.gov/Victims/default.mcp>

### **B. Victim Programs Manager (VPM)**

The Department Victim Programs Manager may be contacted at:

[shilander@mt.gov](mailto:shilander@mt.gov)

406-444-7641

P.O. Box 201301, Helena, MT 59620-1301

Responsibilities of the VPM include, but are not limited to:

- a. collaborate with facility and program staff to ensure Department compliance with victim notification;
- b. respond to victim information requests via a toll-free phone line;
- c. facilitate the Department's victim services programs;
- d. provide victim services training and technical assistance to facilities and programs upon request;
- e. manage the Department's VINE service contract and collaborate with the Information Technology Division and Appriss, Inc. to ensure the system is functional; and
- f. recommend new or expanded programs to respond to the needs of victims.

### **C. Victim Information Officer (VIO)**

Each facility or program administrator may designate a staff member as the Victim Information Officer (VIO); the VIO will provide information and referrals for victims.

## **II. Victim-Offender Dialogue (VOD)**

The Victim-Offender Dialogue (VOD) program allows a victim, or an adult acting on behalf of a victim who is under age 18, to discuss the impacts of the crime with the offender in the presence of a trained facilitator.

### **A. VOD Criteria**

1. The administrator will determine if a VOD program is permitted at the facility.
2. Only victims may initiate the VOD process and offender participation is voluntary.
3. All requests from victims will be forwarded to the VPM.

4. The administrator, or designee, will meet with the offender to discuss participation in the VOD process.
5. The administrator, or designee, will consider the following issues before rendering a decision:
  - a. the safety of all participants;
  - b. facility security issues;
  - c. the offender's disciplinary record; and
  - d. the offender's stability.
6. VOD will not generally be approved in cases of domestic violence or stalking; the VPM may consider exceptions on a case-by-case basis after separate consultations with the victim, the offender, and at least one person directly involved in the offender's treatment plan.
7. Participants must be at least 18 years old; parents or legal guardians of victims under 18 may represent the minor's interest in a VOD.
8. Approved volunteers may participate in a VOD.
9. The victim and offender may each have a support person present throughout the process; attorneys who provide legal representation for the crime relevant to the VOD generally may not act as support persons.
10. Victims and facilitators will be responsible for their own expenses associated with the VOD; the Department may approve travel expenses for victims and facilitators, not to exceed the state employee per diem and personal vehicle mileage rate, on a case-by-case basis.
11. The victim, offender, facilitator, or administrator may end the VOD process at any time.
12. The offender may not participate in the VOD unless he or she admits guilt and accepts responsibility for the crime as described in the final court judgment and pre-sentence investigation. The VPM may consider exceptions to this rule on a case-by-case basis after consultation with the victim, the offender, and at least one person directly involved in the offender's treatment plan.
13. Victims or offenders involved in legal appeals or other legal proceedings may not participate in a VOD.
14. The victim and offender must agree in advance that they will complete an initial evaluation immediately following the VOD and a follow-up evaluation within three months.
15. VOD participation will not be noted in offender files.

## **B. VOD Preparation**

1. The victim and offender must sign the [Release of Liability](#) form agreeing that:
  - a. they are participating in the process voluntarily; and

- b. they will not hold the Department liable for any negative consequences of the VOD process.
2. The victim and offender must sign the [Acknowledgment of Understanding](#) to indicate they understand the purpose and potential outcomes of the VOD process.
3. The VPM will conduct initial interviews with the victim and offender to evaluate their emotional stability and expectations.
4. The victim, facilitator, and support person(s) will receive advance notice of the facility rules and entrance procedures.
5. The administrator, or designee, will review the request for a VOD with the VIO and VPM and sign the appropriate paperwork authorizing entrance into the facility for the victim, support person(s), and facilitator.
6. Victims, support person(s), and facilitators must pass visitor background checks and follow normal facility entrance procedures.
7. The victim and support person(s) will be encouraged to take a facility tour prior to the dialogue; the VIO, or designee, will assist with arrangements for this visit.

#### **C. VOD Process**

1. The VOD will occur at a facility location designated by the administrator.
2. The facilitator(s) will brief the offender and victim separately before the dialogue occurs and debrief both parties separately afterward.
3. A correctional officer or designee will be stationed immediately outside the VOD meeting room.

#### **D. VOD Follow-up**

1. The facilitator(s) will complete a separate debriefing in person or via telephone with the victim and offender within one week of the dialogue.
2. The facilitator(s) and/or the VPM will complete evaluations in person or via telephone with the victim and the offender at two months, six months, and one year after the dialogue.
3. The administrator will monitor the offender after the VOD to detect emotional consequences requiring intervention.

#### **E. VOD Facilitators**

1. Facilitators must meet all qualifications for VOD as outlined in the [Facilitator Guidelines](#).
2. Facilitators must meet the requirements of, and complete paperwork required in, [DOC Policy 1.3.16, Volunteer Services](#).
3. The VPM assigns facilitators to dialogue cases.

### **III. Victim Impact Panel (VIP)**

The primary purpose of a Victim Impact Panel (VIP) is to provide victims an opportunity to share with offenders how crime has affected them, and to influence future offender behavior.

#### **A. VIP Criteria**

1. Offender benefits of attending a VIP are secondary to the victims' needs.
2. The facility administrator will determine if a VIP program is included in offender programming.
3. The Department has minimum standards for prerequisite offender victim-impact programming. Offenders may attend VIPs only after completing prerequisite victim-impact programming.
4. Offenders may not participate in a VIP unless they demonstrate a basic understanding of how their criminal behavior affects others.
5. Offenders will not attend VIPs on which their victims have volunteered to speak.
6. Victims who speak on a VIP may be reimbursed personal vehicle mileage, meals and lodging at the Montana state government rate. Speaker reimbursement may be provided by the facility hosting the VIP or by the Department, on a case-by-case basis.
7. Approved volunteers may participate in VIPs.

#### **B. VIP Program Manual**

The Department has prepared a manual as a resource for correctional program managers who would like to host VIPs in their facilities. It is available at

<http://cor.mt.gov/content/Victims/VIPManual.pdf>

### **IV. Accountability Letter Program (ALP)**

The offender Accountability Letter Program (ALP) supports victims of crime and promotes positive change in offender behavior. The ALP is a restorative justice program that allows offenders to demonstrate responsibility for crimes committed and express remorse for harm caused.

#### **A. ALP Criteria**

1. The Department encourages victims to make initial contact with offenders through the VPM.
2. Participation in the process is voluntary for offenders and will have no effect on their parole eligibility, release date, or conditions of supervision.
3. A victim's decision to receive a letter does not constitute an agreement to read or respond to the letter.
4. The Department will not deliver an accountability letter in violation of a sentencing order

or a current legal order of protection.

5. Victims or offenders involved in legal appeals or other legal proceedings may not participate in the ALP.

## **B. Accountability Letter Requirements**

1. The offender:
  - a. may access the [Accountability Letter Guidelines](#) and the [Offender's Request to Participate](#) via libraries in Department facilities, caseworkers, treatment specialists, VIOs or other staff;
  - b. must sign the [Offender's Request to Participate](#) form if they wish to send accountability letters to their victims; failure to comply with this provision may violate no-contact orders;
  - c. must comply with the [Accountability Letter Guidelines](#) and submit the letter to designated facility/program staff or to the VPM;
  - d. may never mail or otherwise deliver an accountability letter to the victim directly;
  - e. participation in the accountability letter process does not constitute permission for the offender to make additional contact with the victim; and
  - f. will sign the original letter once approved by the VPM and facility letter screener prior to delivery.
2. The Department encourages facilities/programs to:
  - a. when possible, designate a staff member(s) qualified to screen offender accountability letters to ensure compliance with the ALP Letter Guidelines; and
  - b. establish treatment prerequisites for offender participation in the process.
3. The designated facility/program letter screener will:
  - a. review the draft letter and suggest changes when necessary; and
  - b. upon approval, submit the letter to the VPM, with documents that describe the offender's crime(s).
4. The facility screener and/or VPM will determine whether an offender achieved the level of responsibility and remorse required to write an appropriate accountability letter; if not the letter will be returned to the offender with an explanation of denial.
5. The VPM will:
  - a. determine if a sentencing order or legal order of protection prohibits contact between the offender and victim;
  - b. will return the letter to the facility letter screener or to the offender with recommendations for revisions if it is deemed inappropriate;
  - c. maintain the Accountability Letter Bank;
  - d. attempt to deliver and/or notify the victim when a letter is available; and
  - e. assist victims requesting to receive accountability letters from offenders not participating and contact the offender's treatment staff to determine if the offender will voluntarily participate.
6. The victim may:

- a. access information about the offender accountability letter process through community victim advocates, the VPM and other Department staff, and the Department website;
- b. participate voluntarily;
- c. inform the Department whether or not the offender should be notified if letter is received;
- d. if a sentencing order or legal order of protection exists, a letter may only be received if a modification of the order, signed by the judge, and filed with the appropriate court is obtained; and
- e. receive a letter from the VPM in a sealed envelope with contact information for local victim services.

## **V. Definitions**

**Administrator** – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

**Facilitator** – A person who meets the Department’s requirements to facilitate a victim-offender dialogue or victim impact panel.

**Restorative Justice** – A criminal justice concept that focuses on offender accountability and healing for victims, families, communities, and offenders.

**Victim** – The person against whom a felony crime has been committed, or a family member of that person. Other individuals may be recognized as victims on a case-by-case basis.

**Victim Information and Notification Everyday (VINE)** – An automated telephone, email and text message notification system that DOC purchases on contract from Appriss, Inc., which provides location and custody status updates about adult offenders under DOC supervision.

**Victim Information Officer (VIO)** – A facility or program staff person who provides information about offenders in the facility or program and about DOC programs for victims.

**Victim Programs Manager (VPM)** – A Department employee located in the Director’s Office who manages victim programs and policies, responds to victims’ requests for information and referrals, educates victims about the post-conviction criminal justice system, provides victim services training, and represents victim interests in all Department matters.

## **VI. Attachments**

[Accountability Letter Guidelines](#)

[Acknowledgment of Understanding](#)

[Facilitator Guidelines](#)

[Offender’s Request to Participate](#)

[Release of Liability](#)