

STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS

Directive: 502.02

Subject: Ongoing Victim Information System Re: Offender Status

Effective Date: October 20, 1997 Review and Re-Issue Date:

Supersedes: NEW APA Rule Number:

Recommended for approval by:		Authorized By:	
_____	_____	_____	_____
Signature	Date	Signature	Date

1. Authority:

1.1. Title 28 VSA, Chapter 5, Title 13 VSA, Chapter 165.

2. Purpose:

2.1. To establish a process for the Department of Corrections to provide ongoing and timely information to the victims of listed crimes, their families and victim advocates about the status of the offender who victimized them to include: offender status, location, program participation (except protected confidential), release planning and knowledge of verbal or written threats made by the offender during incarceration or supervision.

3. Applicability/Accessibility

3.1. Applies to victims, families, victims' advocates, offenders and staff. Anyone may have a copy of this directive.

4. Directive

4.1. INITIAL INFORMATION SHARING

4.1.1 Victim notification, done properly, is much more than a formal letter or phone call at or near release time. It is an ongoing process of information to victims and victims' advocates about the status of an offender in the correctional system.

4.1.2 While it is a shared responsibility between facility and field correctional services specialists (CSS), the primary responsibility is with the field CSS assigned in the office nearest the victim or court of origin, and begins as early as completion of the pre-sentence investigation. Field staff

Directive 502.02 Ongoing Victim Information System Re: Offender Status

can provide much needed clarification on DOC systems, processes, awarding of good time, release policies and much more to the victims and or victims' advocates while doing the pre-sentence investigation or at sentencing. It is important to strive for and maintain close working relationships with the victims' advocates.

4.1.3 Often, the victim is not willing to listen objectively as correctional practices, that they do not understand and/or do not agree with, are discussed. Nevertheless, all should be given the chance to learn about the system and what to expect regarding the offender, possible transfers, programs (in general, no confidential information) and possible release time period. A well informed victim's advocate will be of great assistance in providing this information to the victim. Early information allows for possible venting of frustration at the system or length of sentence, etc. early in the process, rather than being surprised with this information during the last month or weeks of a reintegration Plan.

4.1.4 This attitude of continuous information as early as possible will serve the process well throughout the period of incarceration and particularly when engaged in reintegration planning. It is important that the victim see the CSS as one who balances the needs of the offender case plan and reintegration with the safety and other concerns of the victim and community.

4.2. DURING INCARCERATION

4.2.1 It is imperative that files be clearly marked IAW, 428.01-A, Request for Notification for Victims & Affected Persons, regarding victim notification requirements and that staff be trained fully in recognizing these requirements and fulfilling them.

4.2.2 During the course of the incarceration, the following information will be available and disseminated to the victim and/or victim's advocate by the assigned field CSS:

4.2.2. Transfers

4.2.3. Major changes to the sentence

4.2.4. Significant program completions/set-backs

4.2.5. Specific threats of harm to the victim or victim's family

4.2.6. Release plans/projected dates

4.3. REINTEGRATION PLANNING

4.3.1 In cases where notification has been requested by the victim when an offender's reintegration plan is being firmed up and or an offender is nearing max-out, preliminary information should

Directive 502.02 Ongoing Victim Information System Re: Offender Status

be given to the victim's advocate at least one month prior to the anticipated release date, and earlier if possible, especially if the offender is being transferred to a community correctional services center from a central facility.

4.3.2 At any stage, if the victim expresses concern or anger with DOC decisions or plans, the field supervisor or manager must make an effort to address the victim's concerns. The field supervisor or manager must offer to meet with the victim and the victim's advocate or to address their concerns in a format consistent with the needs of the victim.

4.3.3 Along with this effort to inform and negotiate must go the concurrent requirement that we strongly advocate for reintegration and stand behind our belief that we make rational decisions for release and that we provide rational and professional release supervision. This requires calm, professional discussion in the face of occasional emotional and oppositional victim reaction to our decisions.

4.4. REINTEGRATION PLAN MEETING AND RELEASE NOTIFICATION

4.4.1 For victims of listed crimes who request it, designated DOC staff shall comply with the following requirements:

4.4.1.1 After the reintegration plan is clear regarding proposed residence, work and possible release date, the field CSS will contact the victim's advocate to discuss the plan and seek input from the victim regarding possible conflicts such as common shopping areas, streets or areas to be avoided, safety precautions and any other input.

4.4.1.2 It is crucial that this seeking of input is not projected as offering the victim final say on the reintegration plan, but rather the chance to provide input which the CSS will weigh carefully and include and/or negotiate compromises prior to beginning the actual reintegration.

4.4.1.3 When possible this discussion will be done face to face with the victim and the victim's advocate. This is a time to reassure the victim that, while we are interested in the offender's successful completion of reintegration, we are interested in the safety of the victim and avoiding undue stress for the victim.

4.4.1.4 Reintegration should be described as a necessary, best correctional practice that allows for the careful, controlled reintegration of the offender with multiple supervision and monitoring methods rather than an abrupt, uncontrolled release to parole or no supervision at all. Supervision and monitoring methods should be described including electronic monitoring, field contacts, daily schedules, etc. This too is an area where a well informed victim's advocate can be a great asset.

Directive 502.02 Ongoing Victim Information System Re: Offender Status

- 4.4.1.5** Max-out should be explained with a general summary of the offender's participation and behavior during incarceration, exact date of release and any information on possible residence/work plans. Referrals to law enforcement or state's attorney's office regarding restraining orders, etc. should be provided if necessary.
- 4.4.1.6** The proposed reintegration plan should include any approved, negotiated victim provided input such as specified travel routes that avoid the victim's home, restricted areas, prohibitions of contact, etc. Requests or input that was not deemed viable or was seen as unreasonable should be communicated back to the victim as such. G. Form 428.01-B, Release Notification for Victims & Affected Persons - See Appendix B, will be mailed via certified letter formally notifying the victim of the actual release date and any other forms required by DOC Policy 428.01 by the facility CSS so as to reach the victim at a minimum of one week prior to the actual release date. This allows the victim to physically and mentally prepare for the release. It also allows for a final reaction by the victim and any last minute changes to the furlough. A field CSS or supervisor will be in touch with the victim's advocate during this final crucial stage of the release plan.

4.5. FIELD SUPERVISION

- 4.5.1** As was the case during incarceration, continued contact with the victim (if desired) should occur during supervision of the probation or parole period. Any significant changes, residential moves, set-backs, arrests, threats to the victim, etc. should be reported to the victim's advocate for sharing with the victim.
- 4.5.2** When the CSS and supervisor agree that restrictive measures set during reintegration planning are no longer necessary or should be altered, etc., a letter will be sent to the victim, with copy to victim's advocate, outlining the changes and offering an in person meeting to discuss.
- 4.5.3** In the case of changes to specific probation/parole conditions that were set in relation to the victim, the letter should include an explanation of our reasons to request the change, as well as an invitation to the appropriate hearing. The explanation of changes to conditions and/or restrictive reintegration agreements must be done in the context of best correctional practices and in relation to furthering successful completion of the case plan.
- 4.5.4** A negative approach should always be the norm. In some cases, the victim will agree with the changes and, in others, they may bitterly disagree. A compromise may be reached that meets victims needs as well as case plan objectives. If not, then the CSS and supervisor must stand on best practice, go forward with the necessary changes and make clear the offer of continued information sharing.

Directive 502.02 Ongoing Victim Information System Re: Offender Status

4.5.5 The victim will be informed one month prior to planned termination of supervision.

5. Training Method

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6. Quality Assurance Processes

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7. Financial Impact:

8. References

9. Responsible Director and Draft Participants