

Directive 502 Victim Services

victimization." Victims of crime shall be a participant in the criminal justice system, and the Department of Corrections will ensure, in accordance with its specific responsibilities as set forth in Title 13, Sec. 5303, that victims of crime will be served.

4.3. The Department of Corrections further recognizes the discrete and the specific responsibilities of other agencies, jurisdictions and organizations in serving victims of crime. The Department of Corrections will design its procedures to support victims of crime, cooperate with states' attorneys, law enforcement agencies, social service agencies, victims' advocates, and the courts to efficiently and effectively provide statutorily mandated services to victims. In recognition of statutory boundaries and the statutorily defined responsibilities of other agencies, the Department of Corrections will limit its responsibilities in serving victims to those which are set forth by statute.

4.4. In its responsibility to assist victims with problems that result from their victimization, it is the policy of the Department of Corrections to formulate procedures that will address specific services to victims in the following areas.

4.4.1 Reparation - Vermont statute affords victims of crime the right to restitution and reparation for the damage or injury sustained from an offense perpetrated by an offender. The court has the authority and responsibility to consider making specific conditions of probation that will restore damage or injury to a victim. The Department of Corrections, through the authority of a court ordered condition, will supervise the restitution or reparation by the offender to the victim and the community.

4.4.1.1 Reparation to personal victims:

4.4.1.1.1 Restitution - The most common method of restoring the loss to a victim is by compensating a victim for the actual tangible loss incurred by the crime. The Department of Corrections, by establishing a procedural directive, will administer the collection and distribution of restitution monies from offenders to victims.

4.4.1.1.2 Victim-Offender Mediation - From time to time, the needs of a victim can best be addressed by bringing the offender and the victim of a crime together to resolve any wrongdoing or harm caused to the victim. The Department of Corrections may, when it is appropriate and on the consent of the victim, support a meditation process for direct contact between the victim and the offender.

4.4.1.2 Reparation to the community:

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4.4.1.2.1 Community Work Service - The Department of Corrections will develop and administer a program for offenders to repair the harm done to the community, in general, by the commission of a criminal offense. This will be done through a structured program by which offenders will participate in a variety of work activities that will benefit the general community. The Department of Corrections will not recognize a condition for "community work service" without the amount of time required fixed by the court.

4.4.1.2.2 Reparative Continuum of Correctional Services - Recognizing the need for offenders to make good to the community at large, the Department of Corrections will further pursue and develop a range of reparative sanctions with the intent of involving the victim and community in the process of determining and supervising offender sanctions. These sanctions may take the form of a community based reparation sanction (reparative probation), a supervised community sentence sanction, a community service work camp sanction, an intensive supervision program, and a day treatment program.

4.4.2 Release Notification to Victims - By statute, the Department of Corrections has the responsibility when requested by a victim(s), to notify the victim upon an offender's release or escape. The Department of Corrections will establish a procedure for receiving requests for notification, the filing of such requests and delivering the notification to the affected victim(s) upon release or escape of an offender.

4.4.2.1 Each correctional facility or applicable field office, upon proper request, will notify the victim of a crime of the affected offender's release or escape from custody. For the purposes of this policy "release from custody" shall include:

4.4.2.1.1 Escape.

4.4.2.1.2 Release of bail directly from a correctional facility either by the posting of bail at the correctional facility or the presentation of a "Court Order for Release" to the correctional facility.

4.4.2.1.3 An offender who has served his/her maximum sentence.

4.4.2.1.4 An offender who has served the maximum portion of a "split" sentence.

4.4.2.1.5 Unsupervised furlough - Release to the community for any period of time where there is no continuous escort or continuous physical control. For

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example, community control, community reintegration, day passes, work search, work release, academic release and extended furlough.

4.4.2.1.5 Release on Parole.

4.4.2.2 The Department of Corrections realizes that it is the victim's responsibility to request notification of an offenders release as described above and will cooperate with victims' advocates, whose responsibility is to make victims aware of their right to notification. The Department shall provide information to the victims' advocates about, the mechanism and process to request notification.

4.4.3 Community Sentiment Surveys - Community sentiment surveys regarding the proposed release of an offender on furlough will be requested by an area manager or the Director of Security and Supervision on a case by case basis. The survey shall consist of interviews with community members including but not limited to victims, law enforcement and/or families of victims.

4.4.4 Victim Impact Statement - In conducting any pre-sentence,- pre-parole, and pardon report, the Department of Corrections" shall include the comments or written statement of the victim, or the victim's guardian or the next of kin if the victim is incompetent or deceased; whenever the victim or the victim's guardian or next of kin choose to submit comments or a written report."

4.4.1 It is further recognized by the Department of Corrections, that in its responsibility to make recommendations to the court regarding the sentencing of an offender, the comments of victims are critical input in considering a sentencing recommendation. The Department of Corrections shall consider the impact on a victim as a factor in assessing the seriousness of the offense when making a sentencing recommendation to the court.

5. Training Method

5.1.

6. Quality Assurance Processes

6.1.

7. Financial Impact:

8. References

8.1.

9. Responsible Director and Draft Participants