

<p style="text-align: center;"><b>STATE OF VERMONT</b> <b>AGENCY OF HUMAN SERVICES</b> <b>DEPARTMENT OF CORRECTIONS</b></p>	<p style="text-align: center;"><b>Victim/Survivor Services and Support</b></p>		<p style="text-align: center;"><b>Page 1 of 10</b></p>						
<p style="text-align: center;"><b>CHAPTER: PROGRAMS – RESTORATIVE JUSTICE</b></p>	<p style="text-align: center;"><b>#502.01</b></p>	<p><b>Supersedes:</b> #502.01, dated 04/04/2022</p>							
<p><b>Local Procedure(s) Required:</b> No  <b>Applicability:</b> All staff (including contractors and volunteers)  <b>Security Level:</b> “B” – Anyone may have access to this document.</p>									
<p><b>Approved:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"><u>SIGNED</u></td> <td style="width: 33%; border: none;"><u>05/02/2022</u></td> <td style="width: 33%; border: none;"><u>05/16/2022</u></td> </tr> <tr> <td style="border: none;">Nicholas J. Deml, Commissioner</td> <td style="border: none;">Date Signed</td> <td style="border: none;">Date Effective</td> </tr> </table>				<u>SIGNED</u>	<u>05/02/2022</u>	<u>05/16/2022</u>	Nicholas J. Deml, Commissioner	Date Signed	Date Effective
<u>SIGNED</u>	<u>05/02/2022</u>	<u>05/16/2022</u>							
Nicholas J. Deml, Commissioner	Date Signed	Date Effective							

**PURPOSE**

This policy outlines the process by which victims/survivors of crime, affected persons, and other members of the community receive notification, or otherwise access information regarding the status of individuals under the custody or supervision of the Vermont Department of Corrections (DOC). It also provides the implementation mechanism that ensures that the DOC and the Victims Services Unit (VSU) meet a minimum standard set by the DOC which includes meeting statutory requirements concerning victims’/survivors’ rights and notification.

**AUTHORITY**

28 V.S.A. §§ 104(a), 507; 13 V.S.A. §§ 5301, 5305.

**POLICY**

The DOC recognizes, and endeavors to consistently fulfill, its statutory obligations to victims of crime. It also maintains a commitment to implementing victim-informed best practices in carrying out all its duties. VSU staff serve in a consultative and expert role by providing support and services to victims and other DOC staff as needed. DOC staff are supported by the VSU in developing and implementing trainings on trauma-informed best practices to enable all DOC staff to carry out their duties using best practices and the most current information. DOC staff, in collaboration with the VSU, holistically address the needs of individuals and communities that have been affected by crime.

## GENERAL GUIDELINES

### A. Victim Services Unit (VSU) Role

1. The DOC's Victims Services Unit serves to bridge the gap of need for individuals whose lives have been impacted by individuals under the DOC's custody or supervision. The VSU is predominately guided by the definition of victims provided by 13 V.S.A. §5301 when carrying out its work. The VSU also recognizes as "victims/survivors" those who are involved with unadjudicated cases or individuals who have been harmed (i.e., "affected persons") by individuals under the DOC's custody or supervision.
2. The VSU acknowledges the important role of victims/survivors in supervising and informing the treatment of individuals under the DOC's custody or supervision who have been convicted of crimes. The VSU works to support community and victim/survivor safety by integrating victim perspectives throughout the supervision process. It achieves this through collaboration, primarily by directly communicating with field and facility casework staff.
3. Victim Services Specialists (VSSs) may serve as points of contact between victims/survivors and the DOC. VSSs may be assigned to certain cases (see section 1 under Heading A. Victim Services Unit (VSU) Role in the Procedural Application portion of this policy). VSSs provide information, support, advocacy, and referral services to victims/survivors in the following areas:
  - a. Updates and information concerning individuals under the DOC's custody or supervision;
  - b. Coordination of state - and community - based services;
  - c. Navigation of victim/survivor contact with individuals under the DOC's custody or supervision;
  - d. Support before, during, and after parole board and other post-conviction hearings; and
  - e. Victim/survivor safety planning prior to an individual's release from DOC custody.

## PROCEDURAL APPLICATION

### A. Victim Services Unit (VSU) Role

1. The VSU Director, or designee, shall determine whether to assign a VSS to a case using the criteria below.
  - a. The VSU shall assign a VSS to cases involving individuals under the DOC's custody or supervision designated as:
    - i. Level C;
    - ii. Release Sensitive Notification (RSN); or
    - iii. High-Risk Sex Offenders (HRSO).
  - b. The VSU may consult on, or assign a VSS to, cases that may require additional victim/survivor services.

- i. Corrections Service Specialists (CSSs) or Probation Officers (POs) shall contact the VSS assigned to their geographic area to request VSU involvement.
  - ii. The VSU Director and VSSs may use their discretion in response to case assignment requests.
- 2. When a VSS is assigned to a victim/survivor or case, they shall serve as the primary contact. In cases in which a VSS is not assigned, the PO or CSS shall serve as the primary contact for the victim/survivor. The primary contact shall:
  - a. Ensure statutory notification to victim(s)/survivor(s) and
  - b. Provide necessary support.
- 3. The VSU plays a critical supporting role in the case staffing determination process.
  - a. Assigned VSSs or the VSU Director shall provide information in case staffing determination processes based on the needs and priorities of victims/survivors during the release planning process.
  - b. DOC staff shall notify assigned VSSs when their cases are scheduled for a staffing determination process.
  - c. VSSs shall contact victims/survivors as necessary to:
    - i. Invite input about victim/survivor safety concerns for case staffing consideration, especially related to sex offender release; or
    - ii. Notify victims/survivors of staffing outcomes related to sex offender releases, as requested.
  - d. In the absence of an assigned VSS, DOC staff shall take responsibility for carrying out the tasks listed in this subsection c. of this section.
  - e. DOC staff completing a staffing form shall not include victim/survivor information on the form.

**B. Victim/Survivor Documentation Expectations**

- 1. Any time DOC staff have contact with a victim/survivor, they shall enter a victim contact note in the Offender Management System (OMS).
- 2. Staff shall record information from victim/survivor contact only in the Victim Contact Note section due to victim/survivor safety concerns.

**C. Notifications**

- 1. DOC staff shall ensure that victims/survivors receive notification when the individual(s) in their case experiences a change in custody status. Status changes that initiate notification include when an individual:
  - a. Is released from incarceration such as release on bail;
  - b. Is released upon completion of a maximum or split sentence;
  - c. Is released to community supervision;
  - d. Is transferred to court;
  - e. Escapes or is recaptured;
  - f. Dies; or
  - g. Receives a pardon or commutation of sentence.

2. DOC staff shall provide notice to the victim/survivor or affected person(s) (as deemed appropriate by VSU) as expeditiously as possible using the address or telephone number provided to the DOC by the person requesting notification. DOC staff shall:
  - a. Ensure the notification is made either through automated notification technology or direct communication.
  - b. Treat any provided email address, physical address or telephone number as confidential.
  - c. Afford victims/survivors of listed, or non-listed, crimes where the facts of the case indicate an ongoing safety concern the opportunity to provide input regarding the pending release of an individual under the DOC's custody or supervision into the community where issues pertaining to victim/survivor safety have been identified.
    - i. The CSS shall contact the VSU when the facts of the case indicate an ongoing safety concern.
  - d. Notify victims/survivors of listed, or non-listed, crimes where the facts of the case indicate ongoing safety concerns about the release of incarcerated individual(s) and parole board hearings.
    - i. For cases where the CSS cannot make a determination about whether the facts of the case indicate an ongoing safety concern, the CSS shall contact the VSU. Please reference the information under the Release Planning Work and Parole Board Hearing heading of this document for additional information.
3. The following provides direction on notification for specific types of situations:
  - a. If a VSS is assigned to a case, the associated PO or CSS shall notify the VSS as soon as an incarcerated individual is scheduled for release. The VSS shall notify and support the victim/survivor.
    - i. If no VSS is assigned to the case, the PO or CSS notifies the victim/survivor as soon as possible to ensure adequate time to safety plan.
    - ii. If there is no victim/survivor listed in the VANS system, the PO or CSS is expected to contact the State's Attorney's Victim Advocate (SAVA) in the jurisdiction where the case was adjudicated to obtain victim and survivor contact information.
  - b. As soon as the CSS is aware that medical furlough is a consideration the CSS shall contact the assigned VSS. The assigned VSS shall contact the victim/survivor for notification and to screen for any potential victim/survivor issues. If there is no assigned VSS, the CSS shall contact the victim/survivor for notification and to screen for any potential victim/survivor issues.
  - c. POs shall notify associated VSSs within 24 hours of a death notice. VSSs shall notify victims/survivors of a death within three days.
  - d. POs or CSSs shall notify associated VSSs of a pardon as soon as possible, but no later than within three days of receiving the investigation packet. VSSs shall provide notification to victims/survivors within three days of receiving notice from associated POs or CSSs.

- e. DOC staff shall notify victims/survivors of listed crimes, non-listed crimes where the facts of the case indicate an ongoing safety concern at least 30 days prior to any parole eligibility hearing for the defendant. For cases where the CSS or PO cannot make a determination about whether the facts of the case indicate an ongoing safety concern the CSS/PO shall contact the VSU.
  - i. If the hearing is merely a record review, DOC staff shall only contact the victim/survivor if, after the record review, the parole board requests a hearing.
    - a) DOC staff shall notify the victim/survivor of this subsequent hearing because crime victims/survivors and affected parties have a legal right to attend Parole Board hearings and to provide testimony to the Parole Board.
  - ii. VSS support is primarily driven by the needs and priorities of victims/survivors.
  - iii. VSSs shall ensure that the victims/survivors in the cases to which they are assigned receive notice of hearings and that victims/survivors in those assigned cases, and all other referred cases, are provided with the support and information they need to participate.
  - iv. If a VSS is assigned to a case, the PO or CSS shall notify the VSS of the hearing date, ideally 45 days prior to the hearing. The VSS shall notify and support the victim/survivor.
  - v. If a VSS is not assigned to the case, the PO or CSS shall notify the victim/survivor so that they may participate in the parole board process.
  - vi. If there is no victim/survivor listed in the VANS system, the PO or CSS shall contact the State's Attorney's Victim Advocate (SAVA) in the jurisdiction where the case was adjudicated to obtain victim/survivor contact information.
  - vii. VANS only makes notifications for the minimum parole hearing so the assigned VSS or CSS/PO shall make any other hearing notification.
  - viii. If the victim/survivor wishes to participate in the Parole Board hearing and there is no VSS assigned, a referral may be made to the VSS responsible for the appropriate field site so that further instructions and support may be offered to the victim/survivor.
  - ix. The DOC staff member making the notification, or attempting to, shall use the appropriate parole board victim/survivor notification form to document these actions and submit the completed form to the Parole Board at the same time as the parole board packet. Due to victim/survivor confidentiality concerns, staff shall not include this form as part of the parole packet.
- 4. Staff shall follow these guidelines for probation situations.
  - a. For term probation (i.e., one with a fixed expiration date) staff shall ensure that victims/survivors have been notified that the probation term will expire or has expired.

- i. If there is a VSS assigned to the case, the PO shall notify the VSS of the upcoming probation expiration, as soon as possible, and the VSS shall notify the victim/survivor.
      - ii. If there is no VSS assigned, the PO shall notify the victim/survivor as soon as possible.
      - iii. For midpoint probation review, the SAVA, not the VSS, is responsible for notifying victims/survivors. The PO shall notify the VSS - if assigned - of the filed midpoint review, and potential probation expiration, as soon as possible.
    - b. For probation orders reading: probation continues ‘until further order of the Court,’ the SAVA, not the VSS, is responsible for notifying victims/survivors of a filed probation discharge. The PO shall notify the VSS - if one is assigned - of the filed discharge order as soon as possible.
    - c. Pursuant to the Commissioner’s authority in APA Rule #19-035, Offender/Inmate Records and Access to Information, § 4 of “Information Provided to Persons Other than Offenders,” the DOC staff member responsible for notification shall share applicable conditions of community supervision with the identified victims/survivors upon request.
      - i. For the purpose of this paragraph, applicable conditions shall include:
        - a) Those conditions that control the movement and behavior of the supervised individual; and
        - b) Are directly related to the individual to whom the conditions are being provided.
      - ii. Staff shall not share conditions about programming, treatment programming, or limiting contact or access to other victims.
      - iii. Staff shall contact the VSU with any questions regarding whether specific conditions should be released.
5. The automated VANS notification system is a tool used for notifications regarding basic status changes for individuals under the DOC’s custody or supervision.
- a. The VSU Director or designee shall ensure that any DOC staff using VANS receives VANS training before establishing a VANS user account.
  - b. Notifications generated by VANS are accurate, but do not provide specific case details.
  - c. VANS integrates with the Offender Management System (OMS), therefore staff shall ensure that information is entered into the OMS correctly in order to avoid inaccurate notifications.
  - d. All VANS notifications include additional links for obtaining contact information for the case PO or CSS and contact information for the Victim Services Unit.
  - e. Please reference the VANS Notification Events & Timelines documents.

**D. Release Planning Work**

- 1. DOC staff are expected to consider victim/survivor input when making release planning decisions in order to, as much as possible, consider victim/survivor safety and apply a trauma-informed approach.

- a. DOC staff shall afford victims/survivors the opportunity to provide input regarding the pending release of an individual in custody into the community where issues pertaining to victim/survivor safety have been identified.
- b. Staff shall afford victims/survivors this opportunity as quickly as possible.
- c. Staff shall prioritize the victims'/survivors' needs, as much as possible, when working with them.

#### **E. Parole Board Hearings**

1. VSS support is primarily driven by the needs and priorities of victims/survivors.
2. Crime victims/survivors have the right to participate in parole board hearings.
  - a. DOC staff shall notify victims/survivors of an incarcerated individual's eligibility for parole board consideration at least 30 days prior to the parole board hearing.
  - b. The DOC staff member making the notification, or attempting to, shall use the appropriate parole board victim/survivor notification form to document these actions and submit the completed form to the Parole Board at the same time as the parole board packet. Due to victim/survivor confidentiality concerns, staff shall not include this form as part of the parole packet.
  - c. VSSs shall notify and support the victim/survivor throughout the parole board process if there is an assigned VSS.
    - i. VSSs shall prepare the victim/survivor to appear before the board. The victim/survivor may choose to:
      - a) Appear with, or without, the presence of the incarcerated individual;
      - b) Provide verbal input directly to the parole board, or indirectly through a VSS;
      - c) Write and submit a written statement for the parole board's consideration; or
      - d) Request that a VSS read their written statement aloud to the parole board for its consideration.
  - d. If a VSS is not assigned to the case, the PO or CSS shall notify the victim/survivor of parole board hearings so that they may participate in the process.
    - i. If there is no victim/survivor listed in the VANS system, the PO or CSS shall contact the SAVA in the jurisdiction where the case was adjudicated to obtain victim/survivor contact information.
    - ii. The PO or CSS may make a referral to the Victim Services Unit if a victim/survivor, upon being notified of an upcoming Parole Board hearing, wishes to participate and may benefit from the services and support of the VSU.
  - e. DOC staff shall promptly notify victims/survivors of Parole Board decisions and any attached conditions or restrictions pertaining to the incarcerated individual's release.

#### **F. Presentence Investigations (PSI)**

1. Presentence Investigators shall consult the VSU when:
  - a. The case involves complicated victim issues; or

- b. The victim has limited ability to provide a written statement.
- 2. When assigned, VSSs shall carry out the following:
  - a. Obtain victim/survivor contact information through VANS. If there is no contact information listed in VANS, the Investigator shall reach out to the appropriate SAVA to obtain relevant:
    - i. Victim/survivor contact information; and
    - ii. Victim impact statement(s), if on file.
  - b. Contact victims/survivors to:
    - i. Notify them of the investigation and explain its objectives so that they may participate in the process;
    - ii. Provide information about the rules governing the PSI process and release of the report's information;
      - a) This information is intended to empower victims/survivors to determine the best options for their involvement in a PSI.
    - iii. Assess and address any barriers to victim/survivor participation
  - c. If there is a victim impact statement available, ask the victim/survivor if they would like:
    - i. Their existing statement to be used; or
    - ii. To provide a separate statement; and
  - d. Provide emotional and other support for victims/survivors who choose to participate in a PSI. VSSs offer support that is primarily driven by the needs and priorities of victims/survivors.
- 3. If there is no VSS assigned to the case, the Investigator shall carry out the same process as if a VSS were assigned, and follow the steps in subsections a. through c. of section 2 under this Heading.

**G. Navigation of Victim/Survivor Contact with Individuals Under the DOC's Custody or Supervision**

- 1. The VSU acknowledges that victims/survivors may have continued relationships with individuals under the DOC's custody or supervision and works to support their preferences for maintaining contact as long as it comports with other DOC policies.
  - a. The VSU prioritizes supporting victims'/survivors' goals of preserving relationships with those under the DOC's custody or supervision.
  - b. The VSU supports victims'/survivors' efforts to navigate the complexities of meeting these goals.
- 2. The VSU acknowledges that victims/survivors should be empowered to make their own decisions regarding visitation and contact with individuals under the DOC's custody or supervision. Whenever possible, DOC staff shall prioritize the victims'/survivors' needs and preferences in facilitating these decisions, while concurrently honoring the processes set out in the Department's visitation policies.
- 3. The VSU acknowledges that there are circumstances in which the DOC staff determine that there should be no, or limited, contact between victims/survivors and individuals under the DOC's custody or supervision.



- a. DOC staff shall stay vigilant for indicators that contact between victims/survivors and incarcerated individuals should be limited or prohibited. Staff may consult with VSU to make this determination.
  - b. DOC staff shall consult with an assigned VSS where appropriate for any of their cases involving victims/survivors.
    - i. At a minimum, staff shall notify an assigned VSS any time a victim/survivor requests contact or visitation or requests that contact/visitation be limited.
  - c. POs shall determine appropriate levels of contact between victims/survivors and individuals under community supervision. POs may consult with the VSU, even if there is no assigned VSS, to make this determination.
  - d. DOC staff shall take into consideration case-specific details and active court conditions or orders that could restrict contact.
  - e. The VSU acknowledges that these processes may impact victim/survivor empowerment.
4. The VSU serves as critical support for victims/survivors to navigate unwanted communication.
- a. The VSU provides a necessary buffer and information resource for victims/survivors who receive unwanted communication.
  - b. The VSU helps to collect and document incidents of unwanted contact to support safety planning for victims/survivors who have received unwanted contact.
  - c. The VSU helps victims/survivors achieve outcomes related to holding individuals under the DOC's custody or supervision accountable for engaging in unwanted contact.

#### **H. Outreach and Education**

- 1. VSSs are content experts in victim-centered, trauma-informed, best practices in victim services and:
  - a. Provide training intended to increase the knowledge base of DOC staff in victim/survivor-related issues in collaboration with the Department's training unit; and
  - b. Model a strengths-based approach to their collaborative work with staff and service users.
- 2. VSSs conduct trainings and outreach on related topics such as the VANS Automated Notification System.

#### **I. Coordinated Community Response**

- 1. In order to address the full spectrum of victim/survivor needs, VSSs shall:
  - a. Primarily be driven by victims'/survivors' needs and priorities
  - b. Participate in multidisciplinary regional task forces;
  - c. Partner with community-based sexual and domestic violence prevention programs;
  - d. Collaborate with law enforcement, special investigative units, State's Attorney's offices and Community Justice Centers.

2. VSSs shall utilize this participation, partnership, and collaboration to support coordinated community response initiatives and restorative justice programs that are:
  - a. Designed to improve positive outcomes for individuals under the DOC's custody or supervision while
  - b. Acknowledging and supporting the needs of corresponding victims/survivors.