



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No. DOC 1.8.2	Subject: <b>VICTIM-OFFENDER DIALOGUE</b>
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 4 and Attachments
Section 8: Victim Services	Effective Date: Dec. 13, 2004
Signature: /s/ Mike Ferriter, Director	Revised: 05/18/11

## **I. POLICY**

The Montana Department of Corrections provides victim-offender dialogue between adult offenders under Department supervision and their victims.

## **II. APPLICABILITY**

Adult offenders under Department supervision and their victims.

## **III. 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 trained mediator who meets the Department's requirements to facilitate a victim-offender dialogue.

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 Officer (VIO) – A facility or program staff person who provides information and advocacy services 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, provides victim services training, and represents victim interests in all Department matters.

## **IV. DEPARTMENT DIRECTIVES**

### **A. Mission and Goals**

1. The victim-offender dialogue (VOD) program will reflect the Department's mission and goals as outlined in DOC 1.1.1, Purpose, Mission, and Management Philosophy.

### **B. VOD Criteria**

1. The administrator will determine if a VOD program is permitted at the facility.
2. Only victims may initiate the victim-offender dialogue process.
3. All requests from victims will be forwarded to the Victims Program Manager (VPM).
4. The offender's participation will be voluntary.

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5. The administrator, or designee, will meet with the offender to discuss participation in the victim-offender dialogue process.
6. 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.
7. 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.
8. Participants must be at least 18 years old; parents or legal guardians of victims under 18 may represent the minor's interest in a victim-offender dialogue.
9. The victim and offender may each have a support person 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 victim-offender dialogue; the Department Director may approve travel expenses for victims and facilitators, not to exceed the state employee per diem and personal vehicle mileage rate.
11. The victim, offender, and/or facilitator may end the VOD process at any time.
12. The administrator may cancel the VOD for good cause after consultation with the victim, VPM, and facilitator.
13. 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.
14. Offenders involved in legal appeals may not participate in the VOD.
15. 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.
16. VOD participation will not be noted in offender files.

**C. 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 victim-offender dialogue process.
2. The victim and offender must sign the [Acknowledgment of Understanding](#) to indicate they understand the purpose and potential outcomes of the victim-offender dialogue process.

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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 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. The victim, support person(s), and facilitator must pass visitor background checks and will be searched prior to entering a secure facility.
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.

**D. 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 security officer will be stationed immediately outside the VOD meeting room.

**E. 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 dialogue to detect emotional consequences requiring intervention.

**F. VOD Facilitators**

1. Facilitators must meet all qualifications for victim-offender dialogue as outlined in [Facilitator Qualifications](#).
2. Facilitators must meet the requirements of, and complete paperwork required in, *DOC Policy 1.3.16, Volunteer Services*.
3. The VPM will assign facilitators to dialogue cases.

**V. CLOSING**

Questions concerning this policy should be directed to the Victim Programs Manager.

**VI. REFERENCES**

- A. *DOC Policies* [1.1.1](#), *Purpose, Mission and Management Philosophy*; [1.3.16](#), *Volunteer Services*; [1.8.1](#), *Victim Services*

**VII. ATTACHMENTS**

[Acknowledgment of Understanding PDF](#)

[Facilitator Qualifications](#)

[Release of Liability PDF](#)

[Volunteer Service Agreement PDF](#)