

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 005.03	PAGE 1 of 6
		VICTIM/OFFENDER DIALOGUE	

This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

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SUMMARY of REVISION/REVIEW

Annual review with no revisions to policy. Reformatted Section V.

APPROVED:



 Scott R. Frakes, Director
 Nebraska Department of Correctional Services

	<p style="text-align: center;">ADMINISTRATIVE REGULATION</p> <p style="text-align: center;">Department of Correctional Services State of Nebraska</p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">005.03</p>	<p style="text-align: center;">PAGE</p> <p style="text-align: center;">2 of 6</p>
		<p>VICTIM/OFFENDER DIALOGUE</p>	

PURPOSE

To provide victims of crime the opportunity to request and participate in a structured, face-to-face meeting with the offender of their crime(s) in a secure, safe environment, in order to facilitate a healing recovery process.

GENERAL

Victim/Offender Dialogue (VOD) is the victim-initiated process of bringing together the victim of a crime and his or her offender in the presence of a trained facilitator for dialogue about the crime and its impact. The facilitator addresses the needs of each party and helps them communicate their thoughts and feelings about the crime and its aftermath. The purpose is to provide an opportunity for the victim and offender to discuss the offense, get answers to their questions, express their feelings and move toward restoration and healing to the extent possible.

Among the principles guiding this program, safety and choice are paramount. The process is completely voluntary for all participants and careful screening for appropriateness is conducted at all stages in the process. The principles require victim-sensitive procedures and an emphasis on facilitator competence and preparation. Not all cases are appropriate for VOD and a case-by-case determination is required.

I. DEFINITIONS

- A. **Facilitator:** An individual trained in conducting VOD for crimes, who works with both victim and offender for a period of time in preparation and facilitation of the dialogue session. This person may be either a Nebraska Department of Correctional Services (NDCS) employee or community volunteer who has received specialized training through the NDCS Victim Assistance Program.
- B. **Ground Rules:** These are agreed upon standards for the dialogue meeting. Ground rules include, but are not limited to, no name calling, no physical violence, no intimidating to include verbal and nonverbal behavior, one person speaks at a time and other guidelines that are provided for both parties.
- C. **Victim:** A person who has suffered physical, financial or emotional harm as a result of the commission of a crime.
- D. **Victim/Offender Dialogue:** A dialogue driven process in which the victim and offender of crime meet to discuss the impact of the crime. This process focuses on the harm done to the victim and the offender's responsibility for that harm. The issue of guilt or innocence is not mediated in this process nor are restitution issues addressed.

II. PRINCIPLES

- A. The safety and security of participants will be maintained at all points in the program. Requests for a Victim/Offender Dialogue session will be carefully screened on a case-by-case basis to ensure that the VOD process is appropriate and safe for the victim and offender. The process will be terminated at any point where it is determined to be inappropriate or unsafe. At no time will this policy be interpreted as to allow for an appeal of the professional judgment of the Victim Services Coordinator.

	<p style="text-align: center;">ADMINISTRATIVE REGULATION</p> <p style="text-align: center;">Department of Correctional Services State of Nebraska</p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">005.03</p>	<p style="text-align: center;">PAGE</p> <p style="text-align: center;">3 of 6</p>
		<p>VICTIM/OFFENDER DIALOGUE</p>	

- B. Participation in the program is strictly voluntary. The facilitator, the victim or the offender may choose to discontinue participation in the process at any time.
 - C. In order to participate, the offender must fully admit wrongdoing or be accountable for his or her participation in the crime.
 - D. The choice to participate or not to participate will not affect the offender's status or programming. This includes institutional, custody promotion, parole status, personalized plans, discharge considerations and any type of community or rehabilitative programming.
 - E. Support for participants, such as participation by victim advocates, case managers and/or counselors during dialogue, or referral to counseling before or after dialogue, will be incorporated into the process in line with best practices. Such observing professionals will not participate in the dialogue, as the focus is on direct communication between the victim and the offender.
 - F. All steps in the process (referral, intake, preparation, dialogue and follow-up) will be conducted in a victim-sensitive manner.
 - G. It is the practice of the NDCS Victim Assistance Program to pursue only requests initiated by the victim. Any offender-initiated requests will not be considered.
 - H. The length of time that has passed since the time of the offense shall be considered when determining if a case shall move ahead in the dialogue process. While there is no specific timeline outlined by this policy, it is expected no case shall be pursued if the facilitator feels too short of a time span has elapsed since the offense for the participants to engage in meaningful dialogue.
 - I. VOD cases will be co-facilitated by two trained facilitators through the NDCS Victim Assistance Program.
 - J. Any videotaping or audio-taping of dialogue sessions will be done only with the approval of each participant and the facilitator. If media request to be involved in the dialogue process, in addition to the participant and facilitator approval, the institution and appropriate Public Information Officers must also agree with the involvement of the media. It is the responsibility of the facilitator to seek such approval through the Director and the Victim Services Coordinator.
 - K. The dialogue session will be a one-time meeting. It is not intended to establish a relationship or continuing dialogue between the victim and the offender.
 - L. Victims should be at least 18 years of age at the time of the request for VOD. If the victim is less than 18 years of age, determination will be made on a case by case basis with the approval of the applicable Deputy Director and/or Director.
- III. VICTIM AND PUBLIC AWARENESS
- A. For those victims who have requested notification of offender status changes by submitting a written request to the NDCS, information regarding the option of VOD will be sent as part of the victim/witness notification confirmation.

	<p style="text-align: center;">ADMINISTRATIVE REGULATION</p> <p style="text-align: center;">Department of Correctional Services State of Nebraska</p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">005.03</p>	<p style="text-align: center;">PAGE</p> <p style="text-align: center;">4 of 6</p>
		<p>VICTIM/OFFENDER DIALOGUE</p>	

- B. VOD brochures will be distributed to victim/witness units and victim advocacy organizations. In appropriate situations, victim advocates will inform a victim of the VOD option.
- C. As the Victim Information Notification Everyday system is further developed, victims requesting information may be informed of the VOD option if their offender is at a NDCS facility.

IV. FACILITATOR SELECTION AND TRAINING

A. Recruitment/Screening

The Victim Services Coordinator will maintain lists of potential and volunteer facilitators and provide a brochure with information about upcoming training courses for prospective facilitators. Applications will be solicited continually. Selection shall be made based upon current program needs and an approved background investigation of the applicant.

B. Facilitator Training

NDCS will provide training for new and existing facilitators to gain the information/experience necessary to meet the needs of the program. All facilitators who are community volunteers shall minimally meet the guidelines set forth in Administrative Regulation (AR) 105.01 *Volunteer Services*. All new facilitators are required to attend a 40-hour training session prior to facilitating a VOD. In addition, facilitators are expected to participate in at least eight hours annually of continuing education activities related to VOD in order to maintain skills and grow professionally. If facilitators are unable to attend an annual training session, other activities in VOD (i.e. attending workshops, conferences or other training, reading books and/or articles related to VOD, taking classes offered on VOD, etc.) may count towards these eight hours as approved through the Victim Services Coordinator.

C. Maintaining Facilitator Status

Each facilitator will be monitored by the Victim Services Coordinator for the quality of work, ethical conduct and timely completion of assignments.

V. VICTIM/OFFENDER DIALOGUE PROCESS

Steps

- A. Interested victim(s) contacts the Nebraska Department of Correctional Services Victim Services Coordinator. NDCS will only pursue requests initiated by victims.

- B. The Victim Services Coordinator will provide the victim with a copy of AR 005.03 *Victim/Offender Dialogue*, answer questions, perform an initial case screening, open the case and record case information.

The victim will also complete a *'Professional Recommendation Request'* (Attachment A) form and the *Victim/Offender Dialogue Process Sheet'* (Attachment B).

- C. The Victim Services Coordinator will talk with the Unit Classification Committee and Mental Health staff for the offender to see if there are reasons the offender would not

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 005.03	PAGE 5 of 6
		VICTIM/OFFENDER DIALOGUE	

be appropriate for VOD. If the case is not appropriate for VOD, the case will be closed and the requesting victim will be notified.

- D. The Victim Services Coordinator meets with the offender to describe VOD and explore the inmate's interest in participation. At this time, the inmate will be provided with a copy of AR 005.03 *Victim/Offender Dialogue*. If the inmate agrees to participate, the signed *Victim/Offender Dialogue Process Sheet* will become part of the case file. The offender may be required to take a polygraph at some point after the VOD has begun. If the inmate does not agree to participate, the case is closed and the requesting victim will be notified.
- E. If the offender agrees to the VOD and the case meets all the principles set forth in this AR, the Victim Services Coordinator will assign the case to two facilitators. The case information and forms outlined above will be shared with the facilitators.
- F. The facilitators will meet with the victim to explain the process, discuss general ground rules and address any concerns.
- G. The facilitators will meet with the offender to insure he/she is prepared to be confronted about the impact of the crime without making excuses or becoming confrontational themselves, discuss general ground rules and address any concerns. The offender must understand the dialogue process is victim centered and not intended to focus on his/her feelings in dealing with the crimes they have committed. (Meetings will continue until the facilitator believes both participants are prepared to dialogue or until one of the participants terminate the process).
- H. Once preparation is complete, facilitators will make the final recommendation of the appropriateness of continuing the dialogue to the Victim Services Coordinator.
- I. If facilitators recommend the dialogue move forward, facilitators in agreement with the Victim Services Coordinator, will make a recommendation and receive approval from the appropriate warden/superintendent prior to conducting the dialogue. Facilitators will coordinate scheduling a session with the victim, the institution and any other participants. The participating institution will provide a location for the dialogue and security consistent with the requirement for privacy and safety. The victim may suggest the seating arrangements of all participants, facilitator(s) and observers. The facilitator may comply with these suggestions unless security or other concerns exist that prohibit such an arrangement. The facilitators, victim, offender and all other participants will abide by all rules, regulations and procedures of the facility to include NDCS search policy.
- J. The facilitator will bring all participants together and review the ground rules for the meeting. The victim shall decide who speaks first, the offender or the victim.
- K. Dialogue occurs. If at any time the facilitators believe that participants are unwilling to participate meaningfully or safely in the dialogue, the facilitators will suspend or terminate the session. Long periods of silence will be considered as part of the natural development of this dialogue.
- L. One of the facilitators will conduct follow-up with the victim within 12 hours after completion of the VOD.

	<p style="text-align: center;">ADMINISTRATIVE REGULATION</p> <p style="text-align: center;">Department of Correctional Services State of Nebraska</p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">005.03</p>	<p style="text-align: center;">PAGE</p> <p style="text-align: center;">6 of 6</p>
		<p>VICTIM/OFFENDER DIALOGUE</p>	

- M. One of the facilitators will conduct follow-up with the offender within 12 hours after completion of the VOD and provide the information to the offender's Case Manager.
- N. One of the facilitators will conduct a follow-up contact with the victim within 30 days.
- O. The Victim Services Coordinator will perform a 60-day follow-up evaluation with both participants. This may consist of an interview in person, over the telephone or through the mail. Refer to Attachment C for questions to be addressed in this evaluation.
- P. Case closed.

VI. CONFIDENTIALITY AND EXCHANGE OF INFORMATION

- A. Confidentiality relates to the full and open disclosure necessary for the dialogue process. A facilitator will foster the confidentiality of the process, but will submit written reports of any rule or law violations.
- B. The facilitator will inform the parties at the initial meeting of limitations on confidentiality, such as statutorily or judicially mandated reporting, as well as the need to obtain appropriate information to the offender's Case Manager.
- C. When materials are used for research or training purposes, the facilitator and/or Victim Services Coordinator will maintain confidentiality and render anonymous identifying information.
- D. The facilitator will discuss policy regarding confidentiality for individual meetings and pre-dialogue sessions.
- E. The Victim Services Coordinator will maintain confidentiality in the storage and disposal of records.

REFERENCE

I. ADMINISTRATIVE REGULATIONS

- A. Administrative Regulation 005.2, *Victim Assistance Program*
- B. Administrative Regulation 105.01, *Volunteer Services*
- C. Administrative Regulation 120.01, *Official Visitors to Correctional Facilities And Programs*

II. ATTACHMENTS

- A. Professional Recommendations Request
- B. Victim/Offender Dialogue Process Sheet
- C. Victim/Offender Dialogue Evaluation

III. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS – None noted.