 Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES	POLICY		
	VICTIM/OFFENDER DIALOGUE		
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*This Policy is to be made available in law libraries or other inmate resource centers.			

EFFECTIVE: May 31, 2002
 REVISED: March 15, 2011
 REVISED: March 15, 2012
 REVISED: March 29, 2013
 REVIEWED: August 11, 2014
 REVISED: March 31, 2015
 REVIEWED: March 31, 2016
 REVIEWED: March 31, 2017
 REVISED: March 31, 2018
 REVIEWED: March 31, 2019
 REVISED: November 30, 2020
 REVISED: July 31, 2021


SUMMARY of REVISION/REVIEW

PROCEDURE III.B. – Language removed.

APPROVED:



Scott R. Frakes, Director
 Nebraska Department of Correctional Services

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PURPOSE

To provide policy for the Nebraska Department of Correctional Services (NDCS) allowing victims of crime the opportunity to request and participate in a structured, face-to-face meeting with the offender of their crime(s) with the opportunity for healing through a victim-initiated, facilitated and structures face to face meeting with the offender that takes place in a secure, safe environment. (ACI-5F-08, ACRS-6D-01, ACRS-6D-02)

GENERAL


Victim/Offender Dialogue (VOD) is a victim-initiated process of bringing together the victim of a crime and his or her offender in the presence of trained facilitators for dialogue about the crime and its impact. The facilitators address 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 crime, get answers to their questions, express their feelings and move toward restoration and healing to the extent possible. (ACI-1B-24, ACRS-6D-02)

DEFINITIONS

- I. **FACILITATOR** - An individual trained in conducting Victim-Offender Dialogue (VOD) between crime victim and offender. The facilitator is an employee of Nebraska Department of Correctional Services, a member of the SERVES Team, and has received specialized training through the Victim Service Program.
- II. **GROUND RULES** - These are standards for the dialogue meeting between the victim and the offender. Ground rules include, but are not limited to: no name calling, no physical and emotional violence, and no intimidating to include verbal and nonverbal behavior; one person speaks at a time; and other guidelines that are provided for both parties.
- III. **VICTIM** - A person who has suffered physical, financial or emotional harm as a result of the commission of a crime. Victim may also include the immediate family members of a victim, members of a victim's household, and/or witnesses.
- IV. **VICTIM/OFFENDER DIALOGUE** - A 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. (ACRS-6D-01)

PROCEDURE

- I. PRINCIPLES
 - A. The safety and security of participants will be maintained at all points of the VOD. Requests for a VOD 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 for either participant. At no time will this policy be interpreted as to allow for an appeal of the professional judgment of the Victim Services Coordinator.
 - B. Participation in the VOD is strictly voluntary. The facilitators, the victim or the offender may choose to discontinue participation in the VOD at any time.

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- C. In order for an offender to participate in the VOD, he or she must fully admit responsibility and accept accountability of the crime. (ACRS-6D-01)
- 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, will be considered and may be incorporated into the process in line with best practices. When a support professional is approved to accompany the victim, his/her role is a silent observer and is not allowed to participate in the VOD.
- F. All steps in the VOD process (referral, intake, preparation, dialogue and follow-up) will be conducted in a victim-centered manner.
- G. The NDCS Victim Services Program only pursues requests initiated by the victim. Any offender-initiated requests will not be considered. See Policy 005.02, *Victim Services Program*.
- H. The length of time that has passed since the commission of the crime as well as the length of time since the offender's sentencing shall be considered when determining if a VOD request shall move ahead in the dialogue process. While there is no specific timeline that is outlined by this policy, it is expected that no VOD request shall be pursued if the facilitators and Victim Services Coordinator feel not enough time has passed to allow for the participants to engage in a meaningful dialogue.
- I. VOD cases will be co-facilitated by two trained facilitators through the NDCS Victim Services Program.
- J. Any videotaping or audio-taping the VOD sessions will be done only with the approval of each participant, the facilitators, Victim Services Coordinator. It is the responsibility of the Victim Services Coordinator to seek approval through the Director.
- K. VOD face-to-face meeting, will take place one time only. It is not intended to establish a relationship or continuing dialogue between the victim and the offender.
- L. Victims shall be at least 18 years of age at the time of the request for VOD.


II. VICTIM AND PUBLIC AWARENESS

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.

III. FACILITATOR SELECTION AND TRAINING

A. Recruitment/Screening

The Victim Services Coordinator will select potential VOD facilitators from current NDCS SERVES Team Members based on need.

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B. Facilitator Training

NDCS will provide training for new and existing VOD facilitators to gain the information and skills necessary to professionally conduct VOD's. New VOD Facilitators will complete the necessary training and shadow portions of a current VOD prior facilitating on their own with another trained facilitator.

C. Maintaining Facilitator Status

Existing VOD facilitators are required to complete 8 hours of continuing education that apply to victim-offender dialogue processes in order to maintain facilitator status. These hours must be approved through the Victim Services Coordinator. Each facilitator will be monitored by the Victim Services Coordinator for the quality of work, ethical conduct and timely completion of assignments.

IV. VICTIM/OFFENDER DIALOGUE PROCESS

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

B. The Victim Services Coordinator will provide the victim with a copy of Policy 005.03 *Victim/Offender Dialogue*, answer questions, perform an initial VOD screening, open the file and record VOD 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 determine if there are reasons the offender would not be appropriate for VOD. After discussion with Mental Health staff and Unit Classification Committee, the Victim Services Coordinator will seek approval from the facility Warden to move forward with the VOD. If the request is deemed not appropriate, the VOD file will be closed and the requesting victim will be notified.

D. The Victim Services Coordinator will meet 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 Policy 005.03 *Victim/Offender Dialogue*. If the inmate agrees to participate, he/she will sign the Victim/Offender Dialogue Process sheet which will become part of the VOD file.

E. If the offender agrees to the VOD and all provided information meets all the principles set forth in this Policy, the Victim Services Coordinator will assign the VOD to two facilitators. The VOD 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 and without 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

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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 to continue to the in-person phase of the dialogue to the Victim Services Coordinator.
 - I. If the Victim Services Coordinator is in agreement with the recommendation from the facilitators, the Victim Services Coordinator will contact the appropriate Warden to seek approval for the in-person dialogue phase. Facilitators will coordinate scheduling a session with the victim, the institution, the offender's Unit Case Manager, 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 facilitators 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. Throughout the dialogue, 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.
 - 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. VOD closed.
- V. CONFIDENTIALITY AND EXCHANGE OF INFORMATION
- A. Confidentiality relates to the full and open disclosure necessary for the dialogue process. The facilitators will foster the confidentiality of the process, but will submit written reports of any rule or law violations.
 - B. The facilitators 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.

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- C. When materials are used for research or training purposes, the facilitators and/or Victim Services Coordinator will maintain confidentiality and render anonymous identifying information.
- D. The facilitators will discuss policy regarding confidentiality for individual meetings and pre-dialogue sessions.
- E. The facilitators will turn in all notes taken throughout the course of the VOD process to the Victim Services Coordinator at the conclusion of the VOD. The Victim Services Coordinator will maintain confidentiality in the storage and disposal of VOD records.

REFERENCE

- I. STATUTORY REFERENCE – None noted
- II. NDCS POLICIES
 - A. Policy 005.02, *Victim Services Program*
- III. ATTACHMENTS
 - A. Professional Recommendations Request
 - B. Victim/Offender Dialogue Process Sheet
 - C. Victim/Offender Dialogue Evaluation
- IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)
 - A. Expected Practice for Adult Correctional Institutions (ACI) (5th Edition): 5-ACI-1B-24, 5-ACI-5F-08
 - B. Standards for Adult Community Residential Services (ACRS) (4th Edition): 4-ACRS-6D-01, 4-ACRS-6D-02