

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Victim Offender Dialogue	PAGE <u> 1 </u> OF <u> 5 </u>
RULE/CODE REFERENCE:	NUMBER: 03-OVS-02 SUPERSEDES: 212-02 dated 05/26/99
RELATED ACA STANDARDS:	EFFECTIVE DATE: December 28, 2001
RELATED AUDIT STANDARDS:	APPROVED: <i>Roginald A. Wilkinson</i>

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as he prescribes.

II. PURPOSE

The purpose of this policy is to provide victims of violent crime the opportunity for a structured, face-to-face meeting with their offender(s) in a secure, safe environment, in order to facilitate a healing recovery process.

III. APPLICABILITY

This policy applies to facilitators conducting victim offender dialogues with offenders under the control or custody of DRC employees.

IV. DEFINITIONS

- A. Crimes of Severe Violence/Violent Crime: Any crime in which physical or emotional harm resulted.
- B. Facilitator: An individual trained in conducting Victim Offender Dialogues for crimes of severe violence, who works with both victim and offender for an extensive period of time in preparation and moderation of the actual face-to-face dialogue. This person may be either a DRC employee or community volunteer who has received specialized training through the Office of Victim Services.
- C. Ground Rules: These are agreed upon standards for the dialogue meeting. Ground rules may include, but are not limited to, no name calling, no physical or emotional violence, one person speaks at a time, etc.
- D. Victim: A person who has been directly or indirectly impacted by a criminal act committed by an offender.
- E. Victim Offender Dialogue: A process in which the victim and offender of violent crime meet to discuss the impact of the crime.

- F. Victim Coordinator: A staff member employed by one of the Department's institutions or APA offices appointed to specialize in victim services, in addition to his/her regular duties.

V. POLICY

It is the policy of the Department of Rehabilitation and Correction to provide victims and offenders who have been involved in a violent crime the opportunity for a structured, face to face meeting in a safe, secure environment in order to facilitate the healing and recovery process.

VI. PROCEDURES

A. FACILITATOR SELECTION AND TRAINING:

1. **Recruitment/Screening:** The Office of Victim Services (OVS) shall maintain a list of potential volunteer facilitators and provide a brochure with information about upcoming training courses for prospective facilitators. Applications shall be accepted just prior to each training. Selection shall be made based upon current program needs and an approved background investigation of the applicant.
2. **Facilitator Training:** The department shall 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 be trained and utilized in accordance with DRC policy number 311-01, Recruitment, Training and Supervision of Volunteers for Institutions.
3. **Maintaining Facilitator Status:** Each facilitator shall be monitored by the Office of Victim Services for quality of work, ethical conduct and timely completion of assignments.
4. **Termination of Facilitator Status:** If it is found that a facilitator is not complying with the procedures outlined in this policy, as well as DRC policy 311-01, Recruitment, Training and Supervision of Volunteers for Institutions, and/or any other victim offender dialogue program responsibilities, they may be removed from their role within the program.

B. CASE PRE-REQUISITES:

1. **Victim Initiated:** It is the practice of the OVS to pursue only requests that are initiated by the victims. Any exception to this practice shall be at the discretion of the Administrator of the OVS.
2. **Voluntary Participation:** Participation of both the victim and offender in the dialogue program is on a voluntary basis only. Either may discontinue participation in the process at any time.
3. **Offender Responsibility:** In order for an offender to participate in the dialogue process, he or she must admit guilt and accept responsibility for this crime. Any exception to this shall be at the discretion of the Administrator of the Office of Victim Services.
4. **Offender Status:** Participation by an offender in the dialogue process is not intended to affect the offender's status including parole, post release control, or community supervision.

5. Date of the Offense: 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 that is outlined by this policy, it is expected that no case shall be pursued if the facilitator feels that it is too soon since the offense for the participants to engage in meaningful dialogue.

C. CASE DOCUMENTATION:

1. Paperwork: All notes and information gathered from the participants throughout the dialogue process shall be maintained on file by the OVS. Each case file shall consist of the case information packet, outlined in Section D 1 of this policy. In addition, there will be a "Victim Offender Dialogue Information Sheet" a "Facilitator Time Sheet" as well as any other notes documented by the facilitator(s) during the dialogue process.
2. Documentation by the Facilitator: As a facilitator prepares each case, any notes shall be non-judgmental and only re-state information provided by the participants.
3. Confidentiality of Documentation: Information shared during the entire dialogue process shall be confidential and not considered public record in accordance with the Ohio Revised Code Section 149.43. The Ohio Department of Rehabilitation and Correction has no authority to release this information without the expressed written consent of the participants, except when used for departmental training and educational purposes.

D. PREPARATION FOR DIALOGUE:

1. Case Assignment: Cases that have come to the attention of the OVS and meet the above prerequisites shall be assigned to a trained facilitator to begin the process. The OVS shall consider geographic and cultural needs, as well as facilitator experience, when matching a case with a facilitator. Case information packets shall be shared with the facilitators and shall include, at a minimum, the following information:
 - a. Name and phone number of victim requesting dialogue
 - b. Name and inmate number of the offender/inmate
 - c. Institution/APA office where offender/inmate is located.
 - d. Name and phone number of the Victim Coordinator at that location.
 - e. Name and phone number of parole officer (if applicable).
 - f. Sentencing information and inmate/offender status.
 - g. Institution Summary Report (if available).
 - h. Completed Parole Risk Assessment (if available).
 - i. Actual police report.
 - j. Newspaper articles regarding the case.
 - k. Photographs, audio or videotapes regarding case (if available).
 - l. Other information pertinent to the case.

2. Victim Coordinators will assist OVS and dialogue facilitators in certain logistics related to dialogue, i.e. gate passes, appointments with inmate, meeting space, etc., per DRC Policy 212-03, Victim coordinators.
3. Orientation and Preparation: Prior to the actual meeting between a victim of a violent offense and the offender, an intense preparation period must be completed. Participation by a victim or offender in the orientation or preparation phase of the dialogue process does not guarantee, nor should it be presumed, that a face-to-face meeting between the victim and offender will occur.
4. Liability: In order to participate in the dialogue process, both victim and offender must sign a release form relieving DRC and the OVS of any liability. This release also requires all parties to declare that it is not their intention to cause physical or emotional harm to one another or to any other party associated with the dialogue process. (Appendix A).
5. Dialogue Approval: It is the responsibility of the facilitator to make a final recommendation to the appropriate warden or regional administrator to proceed and to receive their approval or request special conditions for the setting of the dialogue. The facilitator shall immediately contact the Administrator of the OVS and the case shall be put on hold until any such issues are resolved.

E. CONDUCTING THE DIALOGUE :

1. Just Prior to the Meeting: The facilitator shall show the victim the room in which the dialogue will take place. The victim may suggest the seating arrangements of all participants, facilitator(s) and observers. The facilitators shall comply with these suggestions unless security or other concerns exist that prohibit such an arrangement.
2. Media/Video/Audiotaping: Any videotaping or audiotaping of the dialogue sessions shall be done only with the approval of each participant and the facilitator. If media request to be involved in the dialogue process, the institution and appropriate public information officers must also approve this. It is the responsibility of the facilitator to seek such approval through the Administrator of the OVS.
3. The Meeting: The facilitator shall bring all participants together and review the ground rules for the meeting. Next, the victim shall be given the choice of speaking first to the offender.
4. Break/Time Out: If any participant or the facilitator sees a need to continue the dialogue or terminate the process, the meeting will be terminated until all parties agree to reconvene.

F. FOLLOWING THE DIALOGUE:

1. Follow-up: It is the responsibility of the facilitator to follow up at least once with all of the participants within at least the first two months following the dialogue. Depending on the situation, it is recommended that the facilitator make an initial immediate follow-up with the participants within the hours or day following the dialogue.

2. Final Documentation Filing: The facilitator shall complete and return all paperwork and time sheets regarding each case to the Office of Victim Services within two weeks.

VI. CONFIDENTIALITY

Except as provided by a law of this state or the united states, the department and the officers of its institutions shall keep confidential and accessible only to its employees, except by the consent of the department or the order of a judge or a court of record, Any information obtained by the department, its employees or agents during the course of the victim offender dialogue process. the department is not bound to confidentiality if a threat of physical harm is made or additional crimes are admitted to during the course of the victim offender dialogue process.

ATTACHED FORMS:

DRC3193