

## **Victim-Offender Dialogue Procedures**

Victim-Offender Dialogue is a structured, victim-initiated process in which crime victims or their survivors and the offender who committed the offense meet directly, in the presence of trained facilitators, after a period of careful preparation for a direct meeting. At the center of the process are victims' wishes.

Victim-Offender Dialogue grows out of the department's commitment to serve crime victims by developing appropriate ways of responding to and mitigating their injuries. A challenge faced by facilitators is to act as respectful enablers for both victims and offenders and to resist our own organizational nature, which encourages speed and efficiency.

### **Application for dialogue**

All inquiries about participation in Victim-Offender Dialogue shall be referred to the Crime Victims Services Bureau director (referred to hereafter as *CVSB director*), who will take the following actions:

1. Talk with the applicant about the VOD process and the applicant's reasons for wanting to meet directly with the offender.
2. Establish a Victim-Offender Dialogue Case File, initiate collection of information called for on the Basic Case Information Form (DPS&C VOD Form #1), and request copies of existing investigative reports (i.e., presentence, post sentence, preparole, clemency) from the appropriate P&P District Administrator(s) and an institutional progress report from the appropriate institutional liaison.
3. Present the request to the Victim-Offender Dialogue Advisory Group (see following section for definition) for review and further action.

### **Advisory Role of VOD Facilitators: VOD Advisory Group**

Decisions to move forward at key junctures of the VOD process (e.g., case discussion/assignment and approval to move to dialogue) will be made collaboratively by available VOD facilitators and the CVSB director. Facilitators participating at these junctures become, by definition and function, the "VOD Advisory Group." Most collaborative interactions will take place during regular in-service meetings. Email and telephone consults are also options.

## **Review and assignment of cases**

1. The CVSB director will review pending dialogue requests according to provisions of Department Regulation No. C-01-018. The CVSB director will usually involve the VOD Advisory Group in assessing all requests and must do so if "heightened scrutiny" is required. The VOD Advisory Group will have a voice in assigning facilitators for all cases.
2. Whether the request for dialogue is approved or denied, the CVSB director will contact the VOD applicant.
  - C If the dialogue request is denied, the CVSB director will explore other possibilities. (Note: the Louisiana Coalition Against Domestic Violence requested that the department not allow dialogue in a case when it involves a direct DV victim and the offender because of the imbalance of power in these instances. This rationale will be explained when it is the reason for an applicant's denial.)
  - C If the dialogue request is approved, the CVSB director will contact the applicant to provide the facilitators' names and a likely contact date but only after facilitators indicate that they are prepared to contact the victim.
3. If the dialogue request involves an offender in a local facility, the CVSB director will consult staff in the Office of Adult Services to discuss whether the offender should remain in the parish or be transferred into the state system. If the offender remains in the parish, the CVSB director will contact the warden of the facility, explain the program, and inquire about the possibility of the offender's participation from that location. Based on that conversation, the CVSB director may request a transfer into the state system.
4. The CVSB director will provide the names of the assigned facilitators to the institutional liaison-i.e., the person serving as the Warden's representative and primary contact for facilitators and the CVSB director in matters involving VOD at that institution.

## **Roles and responsibilities of institutional liaisons**

1. The institutional liaison will not be part of the actual dialogue and generally will not be present during the meetings between the offender and the facilitators. The first direct contact with the offender, however, will be made by the institutional liaison.

- C Shortly before the facilitators come for the first time to meet the offender, the institutional liaison will tell the offender that two people are coming to talk with him/her about a new program. The institutional liaison will be asked to assure the offender that nothing is wrong and that he or she is not in trouble.
  - C The institutional liaison should not name the program or try to explain it; that will be the responsibility of the facilitators.
  - C The institutional liaison will arrange meetings with the offender in such a way as to keep the offender's possible participation confidential.
2. The institutional liaison will meet with facilitators when they go to the facility for the first time to meet the offender. This will give the institutional liaison an opportunity to ask questions and talk about practices or circumstances that may be unique to that institution and will provide facilitators an opportunity to gather additional information about the offender.
    - C This first meeting should include conversation about the Warden's possible requirements regarding the presence of security during preparation meetings and during the actual dialogue.
    - C Facilitators and the institutional liaison will identify a way to word future call-outs so as to keep private the offender's possible involvement in Victim-Offender Dialogue.
  3. The on-going role of the institutional liaison is to arrange for future meetings, represent the interests and concerns of the Warden of the institution, and assist facilitators in other appropriate ways. When dialogue seems likely, the institutional liaison will assist facilitators with details like gate passes and other final arrangements.
  4. Any written communication between the facilitators and an offender participating in dialogue preparation should be directed through the institutional liaison.
  5. The institutional liaison is primary contact for VOD facilitators when victims indicate that they and perhaps their support persons wish to tour the prison prior to dialogue.
  6. When a dialogue date is set, the institutional liaison will inform mental health and the

chaplain's office about the pending date and the possibility that the inmate may require their support following dialogue. If facilitators request it, the liaison will ask the offender's social worker to contact him the day before dialogue.

7. The institutional liaison should be present when facilitators brief any security staff who will be in the room where the dialogue occurs.
8. The institutional liaison also will assist the CVSB director in obtaining an institutional progress report on the offender participating in dialogue.

### **Roles and responsibilities of facilitators**

Two facilitators will be assigned to each case and will participate as an objective, non-aligned team in all contacts leading up to and during dialogue and follow-up. This practice enables both to hear the same words and be exposed to the same situations, a sounder basis for comparing notes and testing and supporting one another's views of the developing reality. It also lessens the likelihood of either being perceived as the "victim's facilitator" or the "offender's facilitator" as a result of who contacts whom.

1. Each facilitator will maintain a Victim-Offender Dialogue Facilitator Contact Log (DPS&C VOD Form #2) as a means of documenting the time volunteers donate while helping participants prepare for and meet in dialogue.
2. Facilitators' first substantive contact with the victim should involve both facilitators and should, unless special circumstances dictate otherwise, be a face-to-face meeting. This meeting must take place before facilitators approach the offender. (Assuming that even a telephone contact to set up a first meeting may become "substantive," facilitators are encouraged to consider a three-way telephone call.)
3. Facilitators will not meet with the victim in the victim's home but in a more public setting that is comfortable to them and to the victim.
4. When facilitators are ready to meet the offender the first time, they will contact the appropriate institutional liaison.
5. At their first meeting with the offender, facilitators will introduce themselves as volunteers with the department's Victim-Offender Dialogue program and make no reference to their regular jobs or employers.
6. If the offender declines to participate, several steps will be taken.

- C Facilitators will contact the victim to talk about the offender's decision and possible alternatives for the victim. Based on their first conversation with the victim, facilitators will decide whether to talk with the victim by telephone or to meet the victim directly.
  - C Facilitators will establish whether the victim wants to be contacted if the offender changes his/her initial decision.
  - C Facilitators will note in the Victim-Offender Dialogue Case File that the inmate declined to participate, note the reason given or deduced (indicate which), and return all file information to the Crime Victims Services Bureau.
  - C The CVSB director will note by memo to the inmate's Adult Inmate Official Record Folder that the inmate declined to participate (DPS&C VOD Form #9).
7. If the offender agrees to participate in the process, facilitators will share that information with the victim and begin the very careful process of exploring individual wishes, needs, fears, and possibilities with both the victim and the offender.
  8. Both the victim and the offender must sign a participation agreement in order to take part in the VOD process (DPS&C VOD Form #3 & DPS&C VOD Form #4). If facilitators decide that the first meeting is too soon to discuss the agreement with either participant, they may defer that discussion until the second meeting.
  9. Facilitators will explain to participants their ability to include a support person, someone to be present with them in the room during dialogue but not to participate directly. Both participants should know who the other's intended support person is so that any concerns about the presence of particular individuals can be resolved. The offender's support person will be an institution employee, an approved volunteer, or an approved visitor.
  10. Support persons for victims and offenders must be present in some if not all preparation meetings. No support person shall be present during a dialogue until facilitators have explained the support person's role in the dialogue process and the support person has signed a participation agreement confirming their understanding (DPS&C VOD Form #5 & DPS&C VOD Form #6).
  11. If a victim or an offender declines to involve a support person, facilitators must take particular care not to allow themselves to be pulled into that role.
  12. In preparing participants for dialogue, facilitators will make a good faith effort to contact "helping" persons important to a participant, *if requested to do so by the*

*participant*. If the contact involves a counselor, therapist, and/or pastor, facilitators must have a signed release before making the contact (DPS&C VOD Form #1-A).

13. No dialogue shall occur when a protective order or a stay-away order is in place. Upon the request of facilitators, the CVSB director will contact the issuing court about the possibility of temporarily suspending the order. A refusal from the court will end dialogue preparations.
14. If the dialogue process begins in the parish and encounters challenges linked to location, facilitators should raise the question of transfer with the CVSB director, who will resolve the question in collaboration with the Office of Adult Services.
15. Facilitators will determine when participants are ready to move forward to dialogue; however, no dialogue will take place before at least two preparation meetings each have been held between facilitators and the individuals who have agreed to dialogue. (Facilitators are also encouraged to consider one of Karin Ho's operating principles: When you think you're ready to move to dialogue, hold two more meetings with each participant.)
16. As the possibility of direct dialogue draws close, facilitators will involve the victim and the offender in a discussion of any days or dates they wish to avoid—e.g., birthdays or anniversaries of various sorts.
17. A suggestion to move forward to dialogue shall not be made until security considerations (e.g., shackling, location of security during dialogue) have been discussed and resolved.
18. When facilitators believe participants are ready to move to dialogue, they will seek final approval from the CVSB director and the VOD Advisory Group.
19. Prior to the dialogue, facilitators will meet with security staff who will be present in the room during the actual dialogue. Facilitators will explain the process, the officer's role as disengaged observer, the importance of silence, and confidentiality considerations.
20. Before a dialogue takes place, victims and their support persons will be offered the opportunity to tour the prison where the dialogue will take place. Facilitators will make arrangements with the help of the institutional liaison. Facilitators shall be present for the tour.
21. Before victims and their support persons go to the prison for the first time, facilitators will review and explain the information included in the document "Basic Information for Guests Visiting the Institution" (DPS&C VOD Form #11). If the

offender's support person is not an institutional employee or an approved volunteer or visitor, facilitators should review and explain the information to them as well.

22. Facilitators will work directly with the institutional liaison to make final arrangements for the day of dialogue—for example, gate passes, positioning of security, space for breaks, availability of coffee and water, and arrangements for meals.
23. Facilitators will be guided by the victim's wishes in matters like seating arrangements at the table, choice of key words for introductory comments, and the decision regarding who will speak first.
24. Facilitators are encouraged to call a break if something wholly new and unsettling arises so that they can assess it and talk separately with participants to determine how best to proceed.
25. Facilitators are responsible for halting dialogue should the actions or attitudes of the victim or the offender become disruptive or destructive.
  - C If returning to dialogue seems inadvisable, facilitators will formally close the process and, if possible, debrief the victim and the offender before leaving.
  - C Facilitators will formally notify the CVSB director on the same day that the dialogue was halted.
26. Immediately following a completed dialogue, facilitators will debrief both the victim and the offender. In the next 90 days facilitators will make a second contact with each participant. The second contact can be in person or by telephone and may involve the institutional liaison if appropriate. Direct contacts should involve both facilitators.
27. Whenever a case ends, facilitators will return all case file information to the CVSB director.

### **Facilitator application and training**

1. Anyone who wishes to become a VOD facilitator must complete a Victim-Offender Dialogue Facilitator Application Form (DPS&C VOD Form #7) and talk about program requirements and their personal interests with one or more members of the VOD Advisory Group.
2. Applicants must agree to a criminal records check as part of the application process.
3. Applicants must complete satisfactorily a agency-approved training program in order to serve as a VOD facilitator.
4. New VOD facilitators will be asked to sign a Facilitator Service Agreement (DPS&C

VOD Form #8), which reiterates basic duties and responsibilities and requires a one-year commitment to the program.

5. To maintain active facilitator status and thus receive new case assignments, individuals may not miss more than two sequential in-service training meetings.
6. To resume active facilitator status after a period of inactivity, a facilitator must attend two sequential in-service training sessions before again being assigned a case.

### **Confidentiality and record keeping**

1. A separate Victim-Offender Dialogue Case File shall be maintained in the Crime Victims Services Bureau and shall include the Basic Case Information Form and attached documents, signed consent forms, facilitator contact logs, and any documentation generated as part of the dialogue process.
2. The VOD file is confidential and available only to active facilitators or administrators with a legitimate need to know portions of content.
3. In the unlikely instance that such material is subpoenaed, the CVSB director will inform both the victim and the offender.
4. When a VOD case is closed, the CVSB director will send a memo to the offender's Adult Inmate Official Record Folder to note the inmate's participation (DPS&C VOD Form #9).
5. Within two or three weeks of a dialogue being completed or otherwise terminated, the CVSB director will send a satisfaction survey and an SASE to the victim and the offender (DPS&C VOD Form #10-A and DPS& C VOD Form #10-B).
6. The CVSB director will compile descriptive information about the Victim-Offender Dialogue program (e.g., requests received, requests denied, reasons for denial, cases assigned, dialogues completed) and initiate periodic reviews of information gathered via participant satisfaction surveys.

### **Media contact**

1. All media requests for comments about a particular victim-offender dialogue shall be referred to the CVSB director. During dialogue preparation, this requirement applies to participants and their support persons as well as dialogue facilitators. (After dialogue we cannot control decisions made by victims and their support persons.)

2. After a dialogue has been completed, the CVSB director shall make no more than general comments about the dialogue without credible information that the victim or the offender is already in communication with the media.
3. If the CVSB director learns that a victim will be talking with media about their dialogue experience, the director will make the offender aware of possible media exposure.

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