


POLICY TITLE: VICTIM NOTIFICATION OF PRISONER OR JUVENILE CLIENT RELEASE		PAGE 1 OF 6
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	STATE of MAINE DEPARTMENT OF CORRECTIONS	ACA STANDARDS: See Section VII.
	Approved by: _____ Signature of Commissioner	
EFFECTIVE DATE: 3/5/92	LATEST REVISION: 12/22/03	CHECK ONLY IF APA []

I. **AUTHORITY** 15 M.R.S.A. Section 3007 and 17-A M.R.S.A. Section 1175

II. **APPLICABILITY** All Adult and Juvenile Correctional Facilities.

III. **POLICY**

To help ensure the safety of persons who are victims of certain crimes and juvenile crimes, Maine’s victims’ rights law requires that the Department of Corrections notify certain crime and juvenile crime victims when the prisoner or juvenile client receives an unconditional release and discharge from institutional confinement upon the expiration of the sentence or disposition or receives a conditional release from institutional confinement, including probation, parole, furlough leave or furlough pass, work release, intensive supervision, supervised community confinement, community reintegration, or similar program. In addition, the Department will provide notification of a prisoner’s or juvenile client’s release and discharge from intensive supervision, supervised community confinement, or community reintegration, either upon the expiration of the sentence or disposition or to probation. Finally, notification will be made if the prisoner or juvenile client escapes.

A victim is:

- A. A person who is the victim of a crime or a juvenile crime; and
- B. The immediate family of a victim of a crime or a juvenile crime if:
 - 1. The underlying crime or juvenile crime is one of domestic violence or sexual assault or one in which the family suffered serious physical trauma or serious financial loss; or
 - 2. Due to death, age, physical or mental disease, disorder or defect, the victim is unable to participate in the victim notification process.

Such notification is required to be made when all of the following statutory conditions are met:

- A. The person is the victim of a murder or stalking or a Class A, B, or C crime or juvenile crime for which the prisoner or juvenile client has been sentenced to or given a disposition of institutional confinement with the Department of Corrections;
- B. The victim has filed a request for notification of the prisoner's or juvenile client's release with the office of the prosecutor handling the case; and
- C. The prosecutor has forwarded the victim's request form to the Department of Corrections.

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VI. PROCEDURES

Procedure A. Victim Request For Notification of Prisoner's or Juvenile Client's Release

- 1. Upon receiving a victim's request for notification of release from a prosecutor's office, the Victim Services Coordinator shall:
 - a. Determine the location of the prisoner or juvenile client;
 - b. Verify with the facility that the person requesting notification is the victim named in the indictment or other charging instrument. When the person requesting notification is someone other than the victim named in the indictment or other charging instrument, verification of victim status will be made with the office of the prosecutor;
 - c. Upon verification, enter the requirement for victim notification in the field provided in the prisoner's or juvenile client's individual computer record and file the original request form in the Central Office;

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- d. Send an acknowledgment to the victim that the request has been received, along with, in the case of a prisoner, the earliest possible release date of the prisoner under applicable laws and present policies; and
 - e. Handle notifications of release.
2. The Chief Administrative Officer of each facility shall designate a staff person to be responsible to provide the Victim Services Coordinator with a list of prisoners or juvenile clients who are scheduled to receive a furlough leave, a furlough pass on a recurring basis (e.g., weekly trips to AA), a furlough pass for a specific occasion, or work or education release. The list shall be provided on a weekly basis. In a case of escape or another situation that might require immediate notification, staff shall notify the Victim Services Coordinator by telephone or page.
3. Notification shall be as follows:
- a. By certified mail 30 days prior to the prisoner's or juvenile client's unconditional release and discharge from institutional confinement or from intensive supervision, supervised community confinement, or community reintegration upon the expiration of the sentence or disposition, or conditional release to probation, parole, intensive supervision, or community reintegration, or as soon thereafter as the release date is set. See Attachment A, Victim Notification of Prisoner or Juvenile Client Release.

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- b. In the case of a prisoner or juvenile client who is on work or education release, the staff person who is responsible to notify victims will send the Victim Notification of Prisoner or Juvenile Client on Work or Education Release Form (attached as Appendix B) to the victim by certified mail as soon as possible after employment is obtained or education is arranged. That form must contain the name of the prisoner or juvenile client, the address of the employer, and the days and times of work or education release.
 - c. By certified mail 14 days prior to the prisoner's or juvenile client's participation in a first furlough or leave, 7 days prior to participation in any subsequent furlough or leave, or 7 days prior to conditional release to supervised community confinement, community reintegration, or other conditional release program not specified in a. above.
 - d. In the case of a juvenile client for whom a residential placement is being sought, the staff person who is responsible to notify victims will notify the Victim Services Coordinator, who will send a letter informing the victim of the prospect of placement. The Victim Notification of Prisoner or Juvenile Client Release Form (Appendix A) will be sent by the facility staff person to the victim as soon as possible after placement is arranged.
 - e. In the case of a prisoner who has applied for the Supervised Community Confinement program, the Central Office Director of Classification will notify the Victim Services Coordinator, who will send a letter informing the victim of the application. The Victim Notification of Prisoner or Juvenile Client Release Form (Appendix A) will be sent by the Victim Services Coordinator to the victim as soon as possible after the prisoner is accepted into the program.
 - f. By telephone, when the prisoner or juvenile client has escaped or there is otherwise a need to notify the victim immediately, followed by the form (Appendix A) sent by certified mail. In the case of an escape, a letter sent by certified mail will take the place of the form.
4. The completed victim notification form must contain:
- a. The name of the prisoner or juvenile client;
 - b. The nature of the release authorized, whether it is a conditional release, including probation, parole, furlough, work release, intensive supervision, supervised community confinement, community reintegration, overnight leave, or a similar program, or an unconditional release and discharge upon the expiration of a sentence or disposition;

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- c. The anticipated date of the release and any date on which the prisoner or juvenile client must return to institutional confinement, if applicable;
 - d. The geographic area to which the prisoner's or juvenile client's release is limited, if any;
 - e. The address at which the prisoner or juvenile client will reside, if known; and
 - f. The address at which the prisoner or juvenile client will work, if applicable.
5. In the case of a prisoner transferred to a prerelease center, the Victim Notification of Prisoner or Juvenile Client Release on Pass Form (attached as Appendix C) will be sent to the victim by certified mail as soon as possible after the transfer. That form must contain the name of the prisoner and the geographic area to which the prisoner would be limited on a furlough pass.
 6. In the case of a juvenile client, the Victim Notification of Prisoner or Juvenile Client on Pass form (attached as Appendix C) will be sent to the victim by certified mail as soon as possible after commitment. This form must contain the name of the juvenile client and the geographical area to which the juvenile would be limited on a pass.
 7. A copy of the victim notification form mailed to the victim, as well as the return receipt for certified mail, shall be placed in a confidential file maintained by the Office of Victim Services.
 8. The notification requirement ends when:
 - a. The sentence or disposition on which the notice is filed has expired;
 - b. The victim has filed a written request with the Department of Corrections asking that no further notification be given; or

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- c. The notice is returned as undeliverable because the person is no longer at the listed address and a new address has not been provided by the victim or prosecutor.
- 10. In any case in which notification cannot be accomplished, the Victim Services Coordinator shall take whatever action is appropriate.
- 11. The notation in the prisoner's or juvenile client's individual computer record, the request for victim notification, the victim notification form, and all other records indicating the existence of a victim notification request shall be handled as confidential information in accordance with Departmental Policy.

Procedure B. Verifying And Monitoring Victim Notifications

- 1. The Victim Services Coordinator shall, at least every six months, print out the victim notification computer listing to verify that the victim notification computer list is correct and up to date.

VII. PROFESSIONAL STANDARDS

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Attachment A

VICTIM NOTIFICATION OF PRISONER OR JUVENILE CLIENT RELEASE

Name of Correctional Facility Sending Notice

TO:

Victim's Name

Street Address

City State Zip

Telephone: _____

FROM: Classification Department

RE: Release of Prisoner or Juvenile Client _____
Name

The following information on the above prisoner or juvenile client is being provided to you, as requested.

Nature of Authorized Release:

Discharge	_____	Aftercare	_____
Probation	_____	Therapeutic Leave	_____
Supervised Community Confinement	_____	Furlough/Overnight Leave	_____
Other (Specify)	_____		

Geographical area released to:

Residential Address during release (if known):

Work Address during release (if applicable):

Anticipated Date and Time of Release:

If applicable, Date and Time of Return:

Any restrictions imposed during release

Classification Officer

Date

cc: Prisoner or Juvenile Client File
Chief Administrative Officer
Victim Services Coordinator

Attachment C

VICTIM NOTIFICATION OF PRISONER OR JUVENILE RELEASE ON PASS

Name of Correctional Facility Sending Notice

TO:

Victim's Name

Street Address

City State Zip

Telephone: _____

FROM: Classification Department

RE: Prisoner or Juvenile Client _____
Name

The following information on the above prisoner or juvenile client is being provided to you as requested.

Nature of Authorized Release: Furlough Pass

Geographical area limited to:

Date and time of Release:*

Date and Time of Return:*

PRISONER OR JUVENILE CLIENT MAY BE OUT IN THE COMMUNITY FOR A FEW HOURS AT A TIME ON AN INTERMITTENT BASIS. IF THE PRISONER OR JUVENILE CLIENT IS GIVEN A FURLOUGH OR LEAVE (FOR MORE THAN A FEW HOURS) OR IS SCHEDULED FOR RELEASE ON A RECURRING BASIS, YOU WILL BE NOTIFIED SEPARATELY.

Classification Officer

Date

cc: Prisoner or Juvenile Client File
Chief Administrative Officer
Victim Services Coordinator

Attachment B

**VICTIM NOTIFICATION OF PRISONER OR JUVENILE CLIENT
ON WORK OR EDUCATION RELEASE**

Name of Correctional Facility Sending Notice

TO:

Victim's Name

Street Address

City State Zip

Telephone: _____

FROM: Classification Department

RE: Release of Prisoner or Juvenile Client _____
Name

The following information on the above prisoner or juvenile client is being provided to you as requested.

Nature of Authorized Release: Work Release _____ Education Release _____

Work or Education Address:

Days and Times of Release:

Classification Officer

Date

cc: Prisoner or Juvenile Client File
Chief Administrative Officer
Victim Services Coordinator