

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Victim Offender Dialogue	PAGE <u>1</u> OF <u>6</u>
	NUMBER: 03-OVS-02
RULE/CODE REFERENCE: ORC 149.43	SUPERSEDES: 03-OVS-02 dated 04/24/11
RELATED ACA STANDARDS: 4-APPFS-1C-06	EFFECTIVE DATE: March 19, 2014
	APPROVED: 

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 the Director 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, staff of the Office of Victim Services, and all other employees involved in the victim offender dialogue process.

IV. DEFINITIONS

Crimes of Violence - Any crime which is violent in nature and caused severe physical or emotional harm.

Facilitator - An individual trained in conducting victim offender dialogues for crimes of violence and who works with both the victim and the 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 Victim Offender Dialogue training through the Office of Victim Services.

Victim Coordinator - An employee designated by their Managing Officer to serve as a liaison between their institution/APA office and the Office of Victim Services. The Victim Coordinator assists the institution, Adult Parole Authority and the Office of Victim Services with victim related issues.

Victim Offender Dialogue - A formal process that provides victims of violent crime the opportunity for a structured, face-to-face meeting with the offender(s) of their crime in a secure, safe environment.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC), when appropriate, to provide victims and offenders who have been involved in a violent crime the opportunity for a one time structured, face-to-face meeting in a safe, secure environment in order to facilitate meaningful dialogue in accordance with the restorative justice philosophy.

VI. PROCEDURES

A. Requests for Victim Offender Dialogue

Requests for victim offender dialogue shall be referred to the Office of Victim Services (OVS). The victim offender dialogue and all preparation meetings/contacts shall be conducted by those facilitators approved and trained by the Office of Victim Services. Requests for victim offender dialogue that does not involve a crime of violence but resulted in severe emotional harm will be considered on a case by case basis and may be approved at the discretion of OVS. OVS reserves the right to determine the appropriateness of all Victim Offender Dialogue requests.

B. Facilitator Selection and Training

1. Recruitment/Screening

The Office of Victim Services 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. The selection of volunteer facilitators shall be made by the program coordinator and/or administrator of the Office of Victim Services.

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 Department Policy 71-SOC-01, Recruitment, Training and Supervision of Volunteers. Dialogue facilitators shall receive quarterly training which shall include updates on best practices in the field of victim offender dialogue and DRC policy/procedures.

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 Department Policy 71-SOC-01, Recruitment, Training and Supervision of Volunteers, and/or any other victim offender dialogue program responsibilities, they may be removed from their role within the program.

C. 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 Initiated

Offenders cannot initiate a request for dialogue.

5. Offender Status

Participation by an offender in the dialogue process is not intended to affect the offender's status including parole, clemency, post release control, or community supervision.

6. Death Penalty Cases

If a victim sends a request for a victim offender dialogue involving a death penalty case and it is pursued, the Office of Victim Services shall notify the DRC legal staff. When assessing the appropriateness of the dialogue, consideration shall be given to the timing in relation to the pending clemency hearing. No dialogue shall occur after the death penalty clemency hearing.

D. 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 E1 of this policy. In addition, there shall be a Victim Offender Dialogue Information Sheet (DRC2576), a Facilitator Time Sheet (DRC8007) 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.

E. Preparation for Dialogue

1. Case Assignment

Cases that have come to the attention of the OVS and meet the above pre-requisites 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.

2. Victim coordinators shall assist OVS and dialogue facilitators in certain logistics related to dialogue, i.e. gate passes, appointments with inmate, meeting space, etc.,

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. The assigned dialogue facilitators, in conjunction with the Office of Victim Services Program Coordinator, shall determine if the dialogue is appropriate to proceed in preparation for the dialogue meeting.

4. Dialogues may be in person or by other means as approved by the Office of Victim Services.

5. Liability

In order to participate in the dialogue process, both victim and offender must sign a release form, Release of Liability/Offender Dialogue/Offender (DRC8003) and Release of Liability/Offender Dialogue/Victim (DRC8004), 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.

6. Dialogue Approval

It is the responsibility of the facilitator to make a final recommendation to the Office of Victim Services Program Coordinator and to the appropriate Managing Officer 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.

F. Conducting the Dialogue

1. Media/Video/Audio-taping

Any videotaping or audio-taping of the dialogue sessions shall be done only with the approval of each participant and the facilitator. If media requests 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.

2. Break/Time Out

If any participant or the facilitator sees a need to discontinue the dialogue or terminate the process, the meeting shall be terminated until all parties agree to reconvene.

G. 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 timesheets regarding each case to the Office of Victim Services within two weeks.

H. Confidentiality

The Department and the officers of its institutions shall keep all information confidential and accessible only to its employees, except as provided by a law of this state or the United States. Other exceptions may be by the order of a judge, by a court of record, or by the consent of the Department. 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.

Related Department Forms:

Victim Offender Dialogue Information Sheet	DRC2576
Release of Liability/Offender Dialogue/Offender	DRC8003
Release of Liability/Offender Dialogue/Victim	DRC8004
Facilitator Time Sheet	DRC8007