

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>	EFFECTIVE DATE 01/01/2006	NUMBER 01.06.120
	SUBJECT VICTIM NOTIFICATION	
SUPERSEDES 01.06.120 (11/23/03)		AUTHORITY MCL 780.751 et seq.
ACA STANDARDS 3-3195; 4-4447; 4-ACRA-7F-06; 2-CO-4G-02; 1-ABC-4G-06		PAGE 1 OF 4

**POLICY STATEMENT:**

The Department shall provide notification to crime victims pursuant to the William Van Regenmorter Crime Victim's Rights Act and this policy. Other persons also shall be provided notice as set forth in this policy.

**RELATED POLICY:**

03.03.110 Special Problem Offender Notification

**POLICY:**

GENERAL INFORMATION

- A. The William Van Regenmorter Crime Victim's Rights Act identifies a victim as being an individual who suffered direct or threatened physical, financial, or emotional harm as a result of the commission of a crime. If the victim is deceased, one of the following individuals is considered the victim; however, the prisoner who committed the crime and, except as set forth in Paragraph E, any other incarcerated person shall not be recognized as the victim if they fit one of these categories:
  - 1. The spouse of the victim.
  - 2. A child of the victim who is 18 years of age or older if there is no spouse.
  - 3. A parent of the victim if there is no spouse or adult child.
  - 4. A guardian or custodian of a child of the victim who is under 18 years of age if there is no spouse, adult child, or parent.
  - 5. A sibling of the victim if there is no spouse, child, or parent.
  - 6. A grandparent of the victim if there is no spouse, child, parent, or sibling.
- B. Pursuant to the William Van Regenmorter Crime Victim's Rights Act, a parent, guardian or custodian of a victim who is under 18 years of age shall be considered the victim if the parent, guardian, or custodian so chooses provided s/he is not the defendant or incarcerated. This shall be in effect only until the minor reaches 18 years of age.
- C. This policy includes the victim notification requirements set forth in the William Van Regenmorter Crime Victim's Rights Act. Victim notification beyond what is required by the Act shall be provided as determined by the Director. A person who is not a victim as defined in the Act also may request and be provided notification as set forth in Paragraph H.
- D. All notification requests under this policy shall be referred to the Crime Victim Services Unit in Administration and Programs (A&P). A person who indicates that s/he has been threatened by a prisoner or has a personal protection order against a prisoner shall be advised that s/he may contact the Crime Victim Services Unit to receive information on that prisoner as provided for in this policy

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directive; this is in addition to any other assistance available to the person (e.g., prisoner telephone restriction).

#### VICTIM'S IMPACT STATEMENT

- E. A victim has the right to make a written or oral impact statement to a field agent for use by that agent in preparing a Pre-Sentence Investigation (PSI) report; however, if incarcerated, the victim may make only a written impact statement. A victim who is physically or emotionally unable to make an impact statement may designate his/her spouse, child 18 years of age or older, parent, sibling, grandparent, or any other person 18 years of age or older to provide the statement on his/her behalf, provided the person designated is not the defendant or incarcerated. Notification of this designation is provided to the prosecuting attorney and lasts only as long as the victim remains physically or emotionally disabled.
- F. The victim's impact statement may include, but shall not be limited to, the following:
1. An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.
  2. An explanation of the extent of any economic loss or property damage suffered by the victim.
  3. The victim's opinion of the need for and amount of restitution and whether the victim has applied for or received compensation for loss or damage.
  4. The victim's recommendation for an appropriate sentence.
- G. If requested by the victim or, as set forth in Paragraph E, the victim's designee, the victim's impact statement shall be included in the PSI report as set forth in PD 06.01.140 "Pre-Sentence Investigation and Report".

#### INFORMATION PROVIDED UPON REQUEST

- H. The Supervisor of the Crime Victim Services Unit shall ensure that written requests for information pursuant to William Van Regenmorter Crime Victim's Rights Act and/or this policy are promptly entered on the Department's computerized database (CMIS; OMNI). In response to such a request, the Department shall send the following information about a prisoner convicted and sentenced to imprisonment with the Department, including if sentenced to imprisonment for violating probation:
1. The earliest parole eligibility date with all potential credits considered, which shall be sent within 30 calendar days after receipt of the request.
  2. Notice of a prisoner's proposed placement in the Special Alternative Incarceration Program (SAI), which shall be sent at least 30 calendar days prior to the proposed placement date.
  3. Transfer to security Level I or SAI, and the address of the receiving facility.
  4. Transfer or pending transfer to Community Residential Programs (CRP) and transfers within CRP, including the address of the center(s) at which the prisoner is placed.
  5. Transfer from CRP to a Correctional Facilities Administration (CFA) institution and the address of the institution.
  6. Escape. Notification shall be consistent with the requirements set forth in the "Unforeseen Releases" section of this policy directive.
  7. If the request is from the victim, notice that s/he may address or submit a written statement for consideration by the Parole Board. Persons other than the victim shall be notified that they may

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submit a written statement for consideration by the Parole Board. Notice shall be sent not less than 30 days before the prisoner is considered for parole.

8. The Parole Board's decision to grant or deny parole to the prisoner and, if applicable, the date of parole. Notice shall be sent within 14 calendar days after the decision. If parole is granted, notice to the victim shall include a statement of the victim's right to appeal the decision pursuant to MCL 791.234. Notification also shall be provided if the prisoner is discharged early from parole.
  9. The prisoner's return to a correctional facility due to pending parole violation charges, including the address of the receiving facility.
  10. The date on which the prisoner will be released from a correctional facility on the maximum sentence. Notice shall be sent not less than 90 calendar days before the prisoner's discharge date.
  11. The scheduling of a public hearing regarding a reprieve, commutation of sentence, or pardon by the governor. Notice shall be sent not less than 30 calendar days before the hearing date.
  12. The granting of a reprieve, commutation, or pardon.
  13. The change or correction of the prisoner's name or the reversion to his/her commitment name, pursuant to PD 03.01.110 "Prisoner/Parolee Name Changes". The victim also will be notified of the change of a discharged prisoner's name by court order within two years after his/her discharge from parole upon receipt of such an order from the court.
  14. That the prisoner has been convicted of a new felony or an offense punishable by imprisonment for more than one year.
  15. Death of the prisoner.
- I. Field Operations Administration (FOA) shall be responsible for sending the information required pursuant to Paragraph H regarding paroles, reprieves, commutations and pardons. All other information shall be sent by the Crime Victim Services Unit. Copies of all notices sent by the Department pursuant to Paragraph H shall be retained in the prisoner's Central Office file. Notification of parole and discharge dates also will be attempted via the Michigan Crime Victim Notification Network after entry of those dates into the Department's computerized database; therefore, appropriate staff shall enter these dates into the database as soon as possible to ensure notification occurs prior to the prisoner's release.
  - J. The disclosure of a victim's request to receive information pursuant to Paragraph H and the Department's response(s), the victim's home and work telephone numbers, any written statement or record of an oral statement made to the Parole Board pursuant to Paragraph H, No. 7, and any visual representation of the victim (e.g., photograph) are exempt from disclosure to anyone other than the victim consistent with PD 01.06.110 "Freedom of Information Act - Access to Department Public Records". Other information on the victim, and information on other persons who requested to receive information, also may be exempt consistent with the requirements set forth in PD 01.06.110.

#### UNFORESEEN RELEASES

- K. When a prisoner is released on writ to another jurisdiction, the appropriate Record Office Supervisor shall notify the receiving jurisdiction on the prisoner's Release Certification (CSJ-146) that the Department is to be immediately informed if the prisoner is released on bond, escapes or is otherwise not returned to the jurisdiction of the Department.
- L. If a prisoner in a CFA institution escapes, is discharged by court order or is released on bond,

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appropriate facility staff shall enter into the Michigan Crime Victim Notification Network the information necessary for the network to attempt to notify each person who requested notification of the prisoner's release under this policy. The entry shall be made as soon as possible but no later than one hour after the facility became aware of the release. The Crime Victim Services Unit also shall notify each person in writing no later than the next business day after becoming aware of the release. In the case of an escape, the Crime Victim Services Unit shall notify each person by telephone and in writing when the prisoner is apprehended.

- M. If a prisoner in a CFA institution escapes, the Crime Victim Services Unit shall notify the prosecuting attorney who prosecuted the crime for which the prisoner is serving of the escape by telephone and in writing no later than the next business day after becoming aware of the escape.

#### OPERATING PROCEDURES

- N. The FOA and A&P Deputy Directors and Wardens shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed.

#### AUDIT ELEMENTS

- O. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist the A&P Deputy Director, Wardens and FOA Regional Administrators with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

PLC/OPH/12-21-05