



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON
OFFENDER/SPANISH MANUAL

REVISION DATE
7/20/21

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NUMBER
DOC 390.350

POLICY

TITLE
VICTIM/OFFENDER FACILITATED COMMUNICATION

REVIEW/REVISION HISTORY:

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SUMMARY OF REVISION/REVIEW:

Major changes to include title and terminology. Read carefully!


APPROVED:

Signature on file

CHERYL STRANGE, Secretary
 Department of Corrections

6/22/21

 Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; DOC 200.900 Travel Regulations; DOC 450.300 Visits for Incarcerated Individuals

POLICY:

- I. The Department recognizes the value of allowing crime victims, including survivors in homicide cases, to participate in facilitated communication with the perpetrator of the offense through established, structured processes.
- II. The Department has established guidelines to allow victims/survivors to communicate with offenders housed in a Washington State Prison. The safety of all participants will be the priority in Department decision-making.
- III. Participation will not affect the offender’s legal or custody status, release date, or other conditions of incarceration, and should not be used or considered in any process to facilitate release.
- IV. The Department will provide general information about the facilitated communication processes to victim organizations to share with victims/survivors and their families. Additional information and training will be provided to victim service providers, as needed.

DIRECTIVE:

- I. General Requirements
 - A. Facilitated communication may occur for any crime that has been either charged or addressed in a plea agreement, for which all legal proceedings have been concluded, whether the offender is convicted through a guilty plea or a guilty verdict.
 - B. Participants will voluntarily consent to participate in facilitated communication. Either party may discontinue participation at any time.
 1. The victim/survivor must be at least 18 years of age to participate.
 - C. Communication must not violate any court order (e.g., protective/no contact/restraining order).
 1. Participants will be required to disclose any court orders. Department records will be reviewed to determine whether any court orders exist.

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- D. Communication may be terminated at any time and will be terminated if perceived as manipulative, or any party becomes physically/verbally abusive or poses an imminent threat of becoming abusive.

II. Victim/Offender Facilitated Dialogue Meeting

- A. A facilitated victim/offender dialogue meeting provides a one-time opportunity for a victim/survivor to meet with the offender in a secure and supervised environment. The meeting is intended to assist the victim/survivor in dealing with the impact of the crime, not to promote any agreement between the victim/survivor and the offender.

B. Meeting Process

1. Facilitated dialogue meetings require Superintendent approval. A meeting will not be authorized if:
 - a. The offender is denying or minimizing responsibility for the crime, as assessed by the Victim Services Program (VSP).
 - b. It compromises the protection of any participant or facility safety/security.
2. The victim/survivor will request a dialogue meeting through the VSP.
 - a. Requests will only be initiated by the victim/survivor and will not be considered if there is any indication the request was initiated by anyone other than the victim/survivor.
3. The VSP Manager will coordinate with the case manager and, if appropriate, facility mental health employees/contract staff and/or Sex Offender Treatment and Assessment Program clinical personnel, to review all available file material for any information regarding potential harm to the victim/survivor, including Behavior Observation Entries and the Safety Concerns banner in the electronic file.
 - a. The VSP Manager will make an initial determination of the offender's ability to participate.
4. VSP employees will provide the victim/survivor:
 - a. A copy of this policy,
 - b. DOC 16-172 Victim/Offender Facilitated Dialogue Meeting Letter,
 - c. DOC 02-195 Victim/Survivor Dialogue Meeting Application, and



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d. DOC 09-242 General Authorization for Release of Information.

5. The victim/survivor will complete and submit the application and authorization to release information to the VSP.
6. Applications will be reviewed by VSP and Office of Crime Victims Advocacy (OCVA) employees before Superintendent final approval/denial. Clarification may be requested if needed.

C. Facilitators

1. The VSP Manager/designee will identify a 2-person facilitator team to assist in the dialogue meeting process.
2. The facilitator(s) will:
 - a. Complete and submit DOC 02-394 Facilitator Dialogue Meeting Application to the VSP.
 - b. Meet with VSP and OCVA employees if clarification is needed.
 - c. Be willing to submit to a background check.
 - d. Comply with visitor guidelines per DOC 450.300 Visits for Incarcerated Individuals.
 - e. Be approved by the VSP Manager and the OCVA based on the following criteria:
 - 1) Level of specialized training and experience, and
 - 2) Willingness to acknowledge and agree to this policy.
 - a) At least one facilitator must have training and/or demonstrated experience/skill in:
 - (1) Specific training and/or experience facilitating meetings between victims/survivors and offenders in a correctional setting.
 - (2) Holding a position with the primary job responsibility of providing services to victims/survivors of crime.
 - f. Set and adhere to clear objectives for the meeting and ensure the discussion stays on topic.

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3. Facilitators will be reimbursed for actual travel costs involved in the preparation and facilitation of dialogue meetings per DOC 200.900 Travel Regulations.

D. Offender Participation and Approval

1. The Correctional Program Manager (CPM)/designee will arrange for the VSP Manager/designee to meet with the offender as soon as possible to provide information about the dialogue process and inquire about the offender's willingness to participate.
 - a. Facility employees/contract staff will not disclose specific information regarding the meeting to the offender (e.g., purpose, name/position of visitor).
2. The meeting will not occur if the offender does not want to participate.
3. The VSP Manager/designee will notify the CPM/designee, victim/survivor, and facilitator(s) of the offender's decision. If willing to participate, the VSP Manager/designee will:
 - a. Have the offender sign DOC 09-242 General Authorization for Release of Information, and
 - b. Provide a description of the proposed meeting to the Superintendent for final approval/denial.
 - 1) The Superintendent may conditionally approve the meeting subject to successful completion of additional conditions.
 - a) The VSP Manager/designee will notify the Superintendent once the additional conditions are met.

E. Meeting Preparation

1. Participants will each meet with the facilitator(s) separately a minimum of 3 times in preparation for the meeting.
2. The facilitator(s) will maintain contact with the CPM/designee and Captain, or Lieutenant at stand-alone Level 2 facilities, regarding meeting preparation.
3. When all preparations for the meeting have been completed, the facilitator(s) will notify the VSP Manager, who will:

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- a. Request approval from the Superintendent to schedule the meeting.
- b. If approved, contact the CPM/designee and Captain, or Lieutenant at stand-alone Level 2 facilities, to schedule the meeting and identify a location within the facility where the meeting will occur.
 - 1) Employees will consider safety, security, and privacy when selecting the meeting location.

F. Day of the Meeting

1. On the day of the meeting, the facilitator(s) will meet separately with each of the participants for a pre-meeting.
2. Options will be provided for the physical configuration of the meeting within the limitations of the facility's design and, when possible, should include:
 - a. A room without a barrier and a custody employee present, or
 - b. A barrier between the participants to allow visual and auditory contact, but no physical contact, and a custody employee present.
3. The victim may request the meeting configuration be modified for safety and/or comfort. Employees will make the final determination based on the safety/security of all participants and the facility.
4. If the meeting is terminated for adverse reasons, the employee(s) present will complete DOC 21-917 Incident Report and document the circumstances as a Behavior Observation Entry and in the Safety Concerns Narrative section under the Safety Concerns banner in the electronic file.

G. Debriefing

1. Immediately following the meeting, the facilitator(s) will meet separately with each participant for debriefing sessions.
2. The need for additional offender debriefing/counseling after the facilitator(s) has left the facility will be assessed by classification, mental health, or health services employees/contract staff and provided by qualified personnel.

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3. The facilitator(s) will provide a verbal briefing on the outcome of the meeting to the VSP Manager, who will verbally brief OCVA employees.

H. Recordkeeping

1. In the event of a rule/procedure or law violation, or if parties report that they were adversely affected by the meeting process, all participants will be asked to give a written statement regarding what occurred. Reports will be submitted to the Superintendent with a copy to the VSP.
2. VSP employees will maintain documents related to the meeting, including the dates and locations. Specific information about the content of the meeting will not be maintained.

III. Accountability Letter Bank (ALB)

- A. The VSP will maintain the ALB to provide offenders an opportunity to communicate to the victims/survivors:
 1. Acknowledgment of fault and responsibility for the injury, insult, and pain caused.
 2. Their understanding of the harm caused by the crime(s), and
 3. The steps the offender has taken toward accountability for their criminal behavior.
- B. The content of the letter will not offer excuses or request forgiveness. Offenders may refer to [Accountability Letter Bank - A Writing Guide](#).
- C. Offender Participation
 1. Before submitting a letter, offenders will be encouraged to discuss the process with a support person (e.g., case manager, treatment provider, Religious Coordinator) and receive feedback on the letter's content.
 2. Letters will be submitted to the VSP with DOC 02-395 Accountability Letter Bank - Request to Participate.
 - a. Letters may be written to more than one victim/survivor. DOC 02-395 Accountability Letter Bank - Request to Participate must be submitted with each letter.
 - b. Letters must never be sent directly to victims/survivors, victim advocates, or other intermediary.



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3. VSP employees will review the letter(s) before acceptance for deposit in the ALB. Letters will be returned if they do not meet the intended purpose or are inappropriate and may be reconsidered with revisions.
4. Letters accepted for deposit will be logged and stored until the letter is received by the victim/survivor or the offender submits a written request to withdraw the letter.

D. Victim/Survivor Participation

1. Victims/survivors may register to receive notification when a letter addressed to them is deposited in the ALB.
2. Facilitated communication between the participants during incarceration will be coordinated and approved by the VSP Manager.
 - a. The victim/survivor may:
 - 1) Accept the letter by email or mail,
 - 2) Meet with a VSP employee to read and discuss the letter, or
 - 3) Deny the letter but choose to accept at a later date, if available.
3. VSP employees will provide information to victims/survivors about potential effects from reading the letter and referrals to local support services, as needed.
4. The victim/survivor will decide if the offender will be notified that the letter was received.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

None

DOC FORMS:

- DOC 02-195 Victim/Survivor Dialogue Meeting Application
- DOC 02-394 Facilitator Dialogue Meeting Application
- DOC 02-395 Accountability Letter Bank - Request to Participate
- DOC 09-242 General Authorization for Release of Information



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DOC 16-172 Victim/Offender Facilitated Dialogue Meeting Letter
DOC 21-917 Incident Report