



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

POLICY

APPLICABILITY
PRISON
OFFENDER MANUAL

REVISION DATE
DRAFT
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PAGE NUMBER
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NUMBER
DOC 390.350

TITLE
VICTIM/OFFENDER FACILITATED COMMUNICATION
~~BETWEEN VICTIMS AND OFFENDERS~~

REVIEW/REVISION HISTORY:

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SUMMARY OF REVISION/REVIEW:

Major changes to include title and terminology. Read carefully!

APPROVED:

STEPHEN SINCLAIR, Secretary
Department of Corrections

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 may be eligible to communicate with the offender, when the offender is in total confinement offenders housed in a facility in Washington State Department Prison, provided all the criteria in this policy are met. The safety of all participants will be the priority in Department decision-making.
- III. Participation by the offender will not affect his/her 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. Victim organizations are encouraged to share this information with victims/survivors and their families. Additional information and training will be provided to victim service providers, as needed.

DIRECTIVE:

- I. General Requirements
 - A. The meeting 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. The victim/survivor and the offender must both Participants will voluntarily consent to participate in the meeting facilitated communication. Either party may discontinue participation at any time.
 1. The victim/survivor must be at least 18 years of age to apply participate.
 - C. The meeting Communication must not violate any court order (e.g., protective/no contact/restraining order).

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1. ~~The victim and the offender~~ Participants will be required to disclose any court orders. Department records will be reviewed to determine whether any court orders exist.

D. ~~The Department reserves the right to withdraw approval at any time.~~ 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. ~~Eligibility Requirements~~

1. ~~All participants are subject to Department and facility rules and policies, as well as all criminal laws, throughout the process. The offender is subject to sanctions if any violations occur during the process.~~

2. ~~The Department will not pay any costs associated with the meeting except to provide facility space and employee time for meeting supervision.~~

C. Dialogue Meeting Process


1. ~~Victim/offender~~ Facilitated dialogue meetings require Superintendent approval. A meeting will not be authorized if:

a. The offender is denying or minimizing his/her responsibility for the crime, as jointly assessed by VSP (VSP) and Office of Crime Victims Advocacy (OCVA) employees.

b. It compromises the protection of any participant or facility safety/security.

2. ~~The victim/supervisor~~ survivor will request a dialogue meeting through the VSP.

a. ~~The Department will consider allowing the victim/offender dialogue meeting will only at the request victim/survivor's.~~ The application Requests will only be initiated by the victim/survivor and will not be considered if there is any indication ~~that~~ the request was initiated by

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anyone other than the victim/survivor (~~e.g., the offender, the offender's representative, any criminal justice personnel, etc.~~).

3. The VSP Manager will coordinate with the ~~offender's Counselor~~ 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 ~~in the meeting~~.
4. VSP employees will ~~send~~ 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
 - 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. ~~will review the application and may ask to meet with the victim/survivor if~~ Clarification may be requested if ~~is~~ needed.
7. ~~If the application is approved, the VSP Manager will contact the facility Correctional Program Manager (CPM)/designee and appropriate facility employees as soon as possible to inquire about the offender's readiness to participate in the dialogue meeting process.~~

D. Facilitators

1. The VSP Manager/designee will identify a facilitator or a 2-person facilitator team will be identified to assist in the victim/offender dialogue meeting process.
2. The facilitator(s) will ~~be selected by the victim and must~~:
 - 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.



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- 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 ~~each facilitator requires approval~~ 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.
 - 3) ~~Information submitted by the facilitator on DOC 02-394 Victim/Offender Dialogue Facilitator Application.~~
 - a) At least one facilitator must have training and/or demonstrated experience/skill in:
 - (1) ~~Facilitating meetings between individuals in conflict and~~ 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. ~~The facilitator(s) will Set and adhere to clear objectives for the meeting and should be sufficiently skilled to bring~~ ensure the discussion stays on topic ~~between the victim/survivor and the offender back to the stated objectives should the dialogue stray.~~
- 3. Facilitators will be reimbursed for actual travel costs involved in the preparation and facilitation of dialogue meetings per DOC 200.900 Travel Regulations.

E. Offender Participation and Approval

- 1. ~~Based on employee reports, if it appears the offender could productively participate in the dialogue process,~~ The Correctional Program Manager (CPM)/designee will arrange for ~~at least one facilitator~~ 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.



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- 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 in the process.
 3. The VSP Manager/designee will notify the CPM/designee, victim/survivor, and facilitator(s) of the offender's decision. If ~~the offender is~~ willing to participate, the VSP Manager/designee will:
 - a. ~~his/her Counselor will~~ Have the offender sign DOC 09-242 General Authorization for Release of Information ~~complete and forward a copy to the VSP. The original form will be filed in the offender's central file.~~ and
 - b. ~~If the offender agrees to participate,~~ 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 as ~~defined by the Superintendent.~~
 - a) The VSP Manager/designee will notify the Superintendent once the additional conditions are met.
 - c. ~~Approve the meeting to proceed as proposed.~~
 - d. ~~Deny the request for the meeting.~~
- F. Meeting Preparation
1. ~~The victim/survivor~~ 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 ~~minimum Prisons~~ Level 2 facilities, regarding meeting preparation ~~and will make arrangements to meet with the offender during this preparation phase.~~
 3. When all preparations for the meeting have been completed, the facilitator(s) will ~~inform~~ notify the VSP Manager, who will:
 - a. Request approval from ~~notify~~ the Superintendent ~~to seek approval to schedule the meeting.~~



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- b. If approved by the ~~Superintendent~~, the ~~VSP Manager~~ will contact the CPM/designee and Captain, or Lieutenant at stand-alone minimum Prisons Level 2 facilities, to set a date for 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.

G. Day of the Meeting

1. On the day of the meeting, the ~~victim/survivor and facilitator(s)~~ will meet separately with each of the participants for have a pre-meeting at the facility.
2. ~~The facilitator(s) will have a pre-meeting with the offender.~~
3. ~~The facility will provide~~ Options will be provided for the physical configuration of the meeting within the limitations ~~inherent in~~ of the facility's ~~structure design and,~~ when possible, the options should include:
 - a. A barrier between the ~~victim and the offender~~ participants to allow visual and auditory contact, but no physical contact, ~~with and a~~ and a custody employee present, or
 - b. A room without a barrier ~~with and a~~ and a custody employee present.
 - c. ~~A telephonic meeting with no visual contact.~~
4. The victim may request the meeting configuration be modified for safety and/or comfort. ~~The Department may impose a higher level of security than requested and will locate custody employees~~ Employees will make the final determination based on the ~~protection~~ safety/security of all participants and the facility.
5. ~~Any participant may terminate the meeting at any time, for any reason.~~
6. ~~If any party becomes physically or verbally abusive, or poses an imminent threat of becoming abusive, the meeting will be terminated.~~
7. If the meeting is terminated for adverse reasons, the facility employee(s) present will complete a DOC 21-917 Incident Report regarding and document the circumstances of termination as a Behavior Observation Entry and in the Safety Concerns Narrative section under the Safety Concerns banner in the electronic file.

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H. Debriefing

1. Immediately following the ~~victim/offender~~ meeting, the facilitator(s) will meet separately with ~~the victim and offender~~ 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.
3. The facilitator(s) will provide a verbal briefing on the outcome of the meeting to the VSP Manager, who will verbally brief ~~the~~ OCVA employees ~~involved in the initial screening of the application.~~

I. 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. ~~The VSP~~ employees will maintain ~~records containing the applications, Department generated documents related to the meeting, and including the dates and locations of the meetings. The Department will not maintain~~ Specific information about the content of the meeting will not be maintained.

III. Accountability Letter Bank (ALB)

A. Process

B. The VSP will maintain the ALB to provide offenders an opportunity to communicate:

1. ~~Accountability for their criminal behavior and its effects on victims/survivors.~~
2. ~~The letter is intended to allow the offender to:~~
3. ~~Articulate his/her~~ Their understanding of the harm caused by his/her the crime(s), and
4. ~~Communicate~~ Acknowledgment of fault and his/her responsibility for the injury, insult, and pain caused.

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C. The content of the letter will not offer excuses or request forgiveness. Offenders may refer to [Accountability Letter Bank - A Writing Guide](#).

D. Offender Participation

1. Before submitting a letter, offenders will be encouraged to discuss the process with a ~~Counselor, treatment provider, Chaplain, or support person (e.g., case manager, treatment provider, Religious Coordinator)~~ and receive feedback on the letter's content.
2. ~~The offender Letters will be submitted~~ submit the letter to the VSP with DOC 02-395 Accountability Letter Bank - Offender Request to Participate.
 - a. ~~Offenders may write Letters~~ may be written to more than one victim/survivor. DOC 02-395 Accountability Letter Bank - Offender Request to Participate must ~~accompany each letter submitted~~ be submitted with each letter.
 - b. Letters must never be sent directly to victims/survivors, victim advocates, or other intermediary.
3. VSP employees will review the letter(s) before acceptance for deposit in the ALB. Letters will be returned if they do ~~a letter that does not meet the intended purpose or is in any other way~~ are inappropriate, ~~will be returned to the offender. The letter and~~ may be reconsidered with revisions if the offender understands and can articulate why the original letter was rejected.
4. ~~Offender Letters accepted for deposit in the ALB will be logged and stored until the letter is received by the victim/survivor or the offender requests the letter be withdrawn. Offenders may submit~~ offender submits a written request to the ~~VSP at any time to withdraw a deposited~~ the letter.

E. Victim/Survivor Participation

1. Victims/survivors may register to receive notification when a letter addressed to them is deposited in the ALB.
 - a. ~~Victims/survivors must be at least 18 years of age to register.~~
2. ~~The victim/survivor will decide whether to request notification and receive or respond to a letter.~~



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3. ~~When an offender letter is deposited in the ALB, the VSP Manager/designee will notify the registered victim/survivor, who will determine if and when to accept the letter.~~
4. ~~Further ALB Facilitated communication between the victim/survivor and the offender participants during incarceration must will be coordinated and approved by the VSP Manager.~~
 - a. ~~The VSP Manager may terminate any communication between a victim/survivor and an offender that is perceived as abusive, manipulative, or potentially harmful.~~
 - b. ~~If The victim/survivor decides to accept the letter, s/he may:~~
 - 1) ~~Accept the sealed letter with a cover letter identifying the content 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.~~
 - c. ~~Verification of the victim/survivor's identity is required before the letter will be released.~~
 - d. ~~Any court order prohibiting contact with the victim/survivor will be modified, as necessary, before the letter is delivered.~~
5. ~~VSP employees will provide information to victims/survivors about potential effects from reading the letter and provide information and referrals to local support services, as needed.~~
6. ~~The victim/survivor will decide if the offender will be notified that the letter was received.~~
7. ~~The Department will make information about the ALB available to statewide community-based and justice system-based victim service providers. VSP employees will provide additional information and training on the process to victim service providers, as needed.~~

DEFINITIONS:

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



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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 - Offender Request to Participate](#)
- [DOC 09-242 General Authorization for Release of Information](#)
- [DOC 16-172 Victim/Offender Facilitated Dialogue Meeting Letter](#)
- [DOC 21-917 Incident Report](#)