



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON
OFFENDER MANUAL

REVISION DATE
6/11/15

PAGE NUMBER
1 of 10

NUMBER
DOC 390.350

POLICY

TITLE
**FACILITATED COMMUNICATION BETWEEN
VICTIMS AND OFFENDERS**

REVIEW/REVISION HISTORY:

Effective: 12/26/02
Revised: 4/16/07
Revised: 5/28/08
Revised: 4/25/11
Revised: 6/11/15

SUMMARY OF REVISION/REVIEW:

Policy title change and added Offender Manual applicability
Added survivor references throughout
Added Policy statement II.B. and Directive Section II. on the Accountability Letter Bank (ALB)
Policy statement IV. and Directive I.B.3., D.2., & E.3. - Removed unnecessary language
I.A.6.a. - Removed prohibition on dialogue meetings for offenders sentenced to death
I.A.6., B.6., E.2., & F.2. - Added clarifying language
I.C. - Adjusted throughout to allow a single facilitator for dialogue meetings
I.D.1., F.4., & H.3. - Adjusted language for clarification


APPROVED:

Signature on file

BERNARD WARNER, Secretary
Department of Corrections

5/6/15

Date Signed

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|---|--|-------------------------------|-------------------------------------|
|  <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p> | APPLICABILITY PRISON OFFENDER MANUAL | | |
| | REVISION DATE 6/11/15 | PAGE NUMBER 2 of 10 | NUMBER DOC 390.350 |
| | TITLE FACILITATED COMMUNICATION BETWEEN VICTIMS AND OFFENDERS | | |

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; [DOC 450.300 Visits for Prison Offenders](#)

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. When the offender is in total confinement in a Department facility in Washington State, victims/survivors may be eligible to communicate with the offender, provided all the criteria in this policy are met. The safety of all participants will be the priority in Department decision making.
 - 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. The Accountability Letter Bank (ALB) provides an opportunity for offenders to communicate to the victims/survivors responsibility for their crimes and the steps they have taken toward accountability for their criminal behavior.
- III. Participation by the offender will not affect his/her legal or custody status, release date, or other conditions of incarceration.
- 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.

DIRECTIVE:

- I. Victim/Offender Dialogue Meeting
 - A. Eligibility Requirements
 1. The Department will consider allowing the victim/offender dialogue meeting only at the victim/survivor's request. If there is any indication that the request was initiated by anyone other than the victim/survivor (e.g., the offender, the offender's representative, any criminal justice personnel, etc.), the application will not be considered.
 - a. The victim/survivor must be at least 18 years of age to apply.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON
OFFENDER MANUAL

REVISION DATE
6/11/15

PAGE NUMBER
3 of 10

NUMBER
DOC 390.350


POLICY

TITLE
**FACILITATED COMMUNICATION BETWEEN
VICTIMS AND OFFENDERS**

2. The victim/survivor and the offender must both voluntarily consent to participate in the meeting. Either party may discontinue participation at any time.
3. The meeting 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.
4. The meeting must not violate any court order (e.g., protective, no contact, restraining order). The victim and the offender will be required to disclose any court orders. Department records will be reviewed to determine whether any court orders exist.
5. 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.
6. Victim/offender dialogue meetings require Superintendent approval.
 - a. A meeting will not be authorized if:
 - 1) It compromises the protection of any participant or facility safety/security.
 - 2) The offender is denying or minimizing his/her responsibility for the crime, as jointly assessed by Victim Services Program and Office of Crime Victims Advocacy (OCVA) employees.
 - b. The Department reserves the right to withdraw approval at any time.
7. The Department will not pay any costs associated with the meeting except to provide facility space and employee time for meeting supervision.

B. Dialogue Meeting Process

1. The victim/supervisor will request a dialogue meeting through the Victim Services Program.
2. The Victim Services Program Manager will coordinate with the offender's Counselor and, if appropriate, facility mental health employees/contract staff to review all available file material for any information regarding potential harm to the victim/survivor. The Victim Services Program


| | | | |
|---|--|-------------------------------|-------------------------------------|
|  <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p> | APPLICABILITY PRISON OFFENDER MANUAL | | |
| | REVISION DATE 6/11/15 | PAGE NUMBER 4 of 10 | NUMBER DOC 390.350 |
| | TITLE FACILITATED COMMUNICATION BETWEEN VICTIMS AND OFFENDERS | | |

Manager will make an initial determination of the offender's ability to participate in the meeting.

3. Victim services program employees will send the victim/survivor:
 - a. DOC 16-172 Victim/Offender Dialogue Meeting Application Letter,
 - b. DOC 02-195 Victim/Offender Dialogue Meeting Application,
 - c. A copy of this policy, and
 - d. DOC 09-242 General Authorization to Release Information.
4. The victim/survivor will complete and submit the application and authorization to release information to the Victim Services Program.
5. Victim Services Program and OCVA employees will review the application and may ask to meet with the victim/survivor if clarification is needed.
6. If the application is approved, the Victim Services Program 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.

C. Facilitators

1. A facilitator or a 2-person facilitator team will be identified to assist in the victim/offender dialogue meeting process.
2. Facilitators will be selected by the victim and must:
 - a. Complete and submit DOC 02-394 Victim/Offender Dialogue Facilitator Application to the Victim Services Program.
 3. Meet with Victim Services Program and OCVA employees if clarification is needed.
 4. Be willing to submit to a background check and comply with DOC 450.300 Visits for Prison Offenders.
5. At least one facilitator must have demonstrated experience/skill in facilitating meetings between individuals in conflict and specific training and/or experience facilitating meetings between victims/survivors and offenders in a correctional setting.
6. The facilitator(s) will set and adhere to clear objectives for the meeting, and should be sufficiently skilled to bring the discussion between the

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|---|--|-------------------------------|-------------------------------------|
|  <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p> | APPLICABILITY PRISON OFFENDER MANUAL | | |
| | REVISION DATE 6/11/15 | PAGE NUMBER 5 of 10 | NUMBER DOC 390.350 |
| | TITLE FACILITATED COMMUNICATION BETWEEN VICTIMS AND OFFENDERS | | |

victim/survivor and the offender back to the stated objectives should the dialogue stray.


7. Each facilitator requires approval by the Victim Services Program Manager and the OCVA based on the following criteria:
 - a. Level of training and experience,
 - b. Willingness to acknowledge and agree to this policy, and
 - c. Information submitted by the facilitator on DOC 02-394 Victim/Offender Dialogue Facilitator Application.

D. Offender Participation

1. Based on employee reports, if it appears the offender could productively participate in the dialogue process, the CPM/designee will arrange for at least one facilitator 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.
2. If the offender is willing to participate, his/her Counselor will have the offender complete DOC 09-242 General Authorization to Release Information and forward a copy to the Victim Services Program. The original form will be filed in the offender's central file.
3. The meeting will not occur if the offender does not want to participate in the process.
4. The Victim Services Program Manager will notify the CPM/designee, victim/survivor, and facilitator(s) of the offender's decision.

E. Approval

1. If the offender agrees to participate, the Victim Services Program Manager will provide a description of the proposed meeting to the Superintendent.
2. The Superintendent may:
 - a. Approve the meeting to proceed as proposed.
 - b. Conditionally approve the meeting subject to successful completion of additional conditions as defined by the Superintendent.
 - 1) The Victim Services Program Manager will notify the Superintendent once the additional conditions are met.
 - c. Deny the request for the meeting.


| | | | |
|---|--|-------------------------------|-------------------------------------|
|  <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p> | APPLICABILITY PRISON OFFENDER MANUAL | | |
| | REVISION DATE 6/11/15 | PAGE NUMBER 6 of 10 | NUMBER DOC 390.350 |
| | TITLE FACILITATED COMMUNICATION BETWEEN VICTIMS AND OFFENDERS | | |

F. Meeting Preparation

1. The victim/survivor will meet with the facilitator(s) 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, 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 the Victim Services Program Manager, who will notify the Superintendent to seek approval to schedule the meeting.
4. If approved by the Superintendent, the Victim Services Program Manager will contact the CPM/designee and Captain, or Lieutenant at stand alone minimum Prisons, to set a date for the meeting and identify a location within the facility where the meeting will occur. 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 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 for the physical configuration of the meeting within the limitations inherent in the facility's structure.
 - a. When possible, the options should include:
 - 1) A barrier between the victim and the offender, with custody employee present, to allow visual and auditory contact, but no physical contact.
 - 2) A room without a barrier with custody employee present.
 - 3) A telephonic meeting with no visual contact.
 - b. The victim may request the meeting configuration be modified for safety and/or comfort.
 - c. The Department may impose a higher level of security than requested and will locate custody employees based on the protection of all participants and facility safety/security.

| | | | |
|---|--|-------------------------------|-------------------------------------|
|  <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p> | APPLICABILITY PRISON OFFENDER MANUAL | | |
| | REVISION DATE 6/11/15 | PAGE NUMBER 7 of 10 | NUMBER DOC 390.350 |
| | TITLE FACILITATED COMMUNICATION BETWEEN VICTIMS AND OFFENDERS | | |

4. Any participant may terminate the meeting at any time, for any reason.
5. If any party becomes physically or verbally abusive, or poses an imminent threat of becoming abusive, the meeting will be terminated.
6. If the meeting is terminated for adverse reasons, the facility employee(s) present will complete a DOC 21-917 Incident Report regarding the circumstances of termination.

H. Debriefing

1. Immediately following the victim/offender meeting, the facilitator(s) will meet separately with the victim and offender 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 and provided by qualified personnel.
3. The facilitator(s) will provide a verbal briefing on the outcome of the meeting to the Victim Services Program 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 Victim Services Program.
2. The Victim Services Program will maintain records containing the applications, Department generated documents, and the dates and locations of the meetings.
3. The Department will not maintain specific information about the content of the meeting.


II. Accountability Letter Bank (ALB)

A. Process

1. The Victim Services Program will maintain the ALB to provide offenders an opportunity to communicate accountability for their criminal behavior and its effects on victims/survivors.

| | | | |
|---|--|-------------------------------|-------------------------------------|
|  <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p> | APPLICABILITY PRISON OFFENDER MANUAL | | |
| | REVISION DATE 6/11/15 | PAGE NUMBER 8 of 10 | NUMBER DOC 390.350 |
| | TITLE FACILITATED COMMUNICATION BETWEEN VICTIMS AND OFFENDERS | | |

- a. The letter is intended to allow the offender to:
 - 1) Articulate his/her understanding of the harm caused by his/her crime(s), and
 - 2) Communicate acknowledgment of fault and his/her responsibility for the injury, insult, and pain caused.
 - b. The content of the letter will not offer excuses or request forgiveness.
 - c. The victim/survivor will decide whether to request notification and receive or respond to a letter.
2. 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.
 3. Further ALB communication between the victim/survivor and the offender during incarceration must be coordinated and approved by the Victim Services Program Manager.
 - a. The Victim Services Program Manager may terminate any communication between a victim/survivor and an offender that is perceived as abusive, manipulative, or potentially harmful.
- B. Offender Participation**
1. Before submitting a letter, offenders will be encouraged to discuss the process with a Counselor, treatment provider, Chaplain, or support person and receive feedback on the letter's content.
 2. The offender will submit the letter with DOC 02-395 Accountability Letter Bank - Offender Request to Participate to the Victim Services Program.
 - a. Offenders may write letters to more than one victim/survivor. DOC 02-395 Accountability Letter Bank - Offender Request to Participate must accompany each letter submitted.
 - b. Letters must never be sent directly to victims/survivors, victim advocates, or other intermediary.
 3. Victim services program employees will review the letters before acceptance for deposit in the ALB. A letter that does not meet the intended purpose, or is in any other way inappropriate, will be returned to


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|---|--|-------------------------------|-------------------------------------|
|  <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p> | APPLICABILITY PRISON OFFENDER MANUAL | | |
| | REVISION DATE 6/11/15 | PAGE NUMBER 9 of 10 | NUMBER DOC 390.350 |
| | TITLE FACILITATED COMMUNICATION BETWEEN VICTIMS AND OFFENDERS | | |

the offender. The letter may be reconsidered with revisions if the offender understands and can articulate why the original letter was rejected.

4. Offenders may submit a written request to the Victim Services Program at any time to withdraw a deposited letter.

C. 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 Department will make information about the ALB available to statewide community-based and justice system-based victim service providers. Victim services program employees will provide additional information and training on the process to victim service providers, as needed.
3. When an offender letter is deposited in the ALB, the Victim Services Program Manager/designee will notify the registered victim/survivor, who will determine if and when to accept the letter.
 - a. Verification of the victim/survivor's identity is required before the letter will be released.
 - 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, or
 - 2) Meet with a victim services program employee to read and discuss the letter.
 - c. Any court order prohibiting contact with the victim/survivor will be modified, as necessary, before the letter is delivered.
4. Victim services program 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.
5. The victim/survivor will decide if the offender will be notified that the letter was received.

| | | | |
|---|--|--------------------------------|-------------------------------------|
|  <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p> | APPLICABILITY PRISON OFFENDER MANUAL | | |
| | REVISION DATE 6/11/15 | PAGE NUMBER 10 of 10 | NUMBER DOC 390.350 |
| | TITLE FACILITATED COMMUNICATION BETWEEN VICTIMS AND OFFENDERS | | |

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/Offender Dialogue Meeting Application](#)
- [DOC 02-394 Victim/Offender Dialogue Facilitator Application](#)
- [DOC 02-395 Accountability Letter Bank - Offender Request to Participate](#)
- [DOC 09-242 General Authorization to Release Information](#)
- [DOC 16-172 Victim/Offender Dialogue Meeting Application Letter](#)
- [DOC 21-917 Incident Report](#)