POLICY

TITLE VICTIM SERVICES

REVIEW/REVISION HISTORY:

Effective: 7/15/89 DOC 900.320
Revised: 1/15/92
Revised: 4/1/93
Revised: 6/9/94
Revised: 10/30/96
Revised: 3/15/98
Revised: 9/6/99 DOC 390.300
Revised: 4/24/06
Revised: 4/30/07
Revised: 6/18/08 AB 08-015
Revised: 7/18/08
Revised: 3/25/09
Revised: 7/29/09 AB 09-025
Revised: 12/20/10
Revised: 5/25/15

SUMMARY OF REVISION/REVIEW:

II.A. & K. - Added clarifying language
II.C. - Adjusted requirements throughout for generating and maintaining Victim/Witness Lists
II.D.1. - Adjusted that victim services program employees will generate invitation letters
II.E.1.a. & b., II.I.1. & 2., and III.A. - Adjusted language for clarification
II.E.5.e. & F.4.e. - Adjusted requirements for notifying enrollees when an offender is returned
to Prison after being terminated from Work Release
Added II.F.3. on considering concerns received regarding Work Release placement
II.H.1. & J.5. - Removed unnecessary language
Added II.J.3. on requesting a condition prohibiting contact for certain current sex offenders

APPROVED:

Signature on file

BERNARD WARNER, Secretary
Department of Corrections

Date Signed 4/22/15
POLICY

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 72.09.340; RCW 72.09.710-720; RCW 72.68.045; ACA 4-4447; ACA 4-4447-1; ACA 7F-06; DOC 350.500 End of Sentence Review/Sexually Violent Predator Civil Commitment; DOC 400.100 Incident and Significant Event Reporting; DOC 420.110 Escorted Leaves, Furloughs, and Special Transports for Offenders; DOC 420.115 Special Escorted Leave for Funerals/Deathbed Visits on Tribal Lands

POLICY:

I. [4-4447-1] The Victim Services Program will notify eligible victims, witnesses, and concerned community members, as required by statute, when specific offenders:

   A. Escape, [4-4447] [7F-06]
   B. Are apprehended and returned to custody following an escape, [4-4447] [7F-06]
   C. Are transferred to Work Release or returned to Prison from Work Release,
   D. Are transferred to a Prison facility out of state,
   E. Are furloughed from a Department facility, [4-4447] [7F-06]
   F. Submit a release plan while serving a sex offense sentence or while participating in the Offender Reentry Community Safety (ORCS) program,
   G. Are paroled or released to the community from a Department facility, [4-4447] [7F-06]
   H. Leave a facility for certain escorted trips or placements in the community, [4-4447] [7F-06]
   I. Are released from a Juvenile Rehabilitation Administration facility having been sentenced as an adult,
   J. Are the subject of a hearing conducted by the Clemency and Pardons Board while confined in a Department facility,
   K. Have a Secretary’s Warrant requested while under community custody with electronic monitoring, or
   L. Die during confinement.

II. Notifications regarding offender releases or other movements will be made to employees and program enrollees in a timely manner.

III. Counselors and Community Corrections Officers (CCOs) will refer to the Victim Services Program offenders exhibiting threatening behavior toward specific individuals.

IV. Victim services program employees may assist victims and other concerned community members in developing safety plans for implementation when specific offenders are released from confinement or under supervision in the community.

DIRECTIVE:

I. Responsibilities
POLICY

A. [4-4447-1] The Victim Services Program Manager will manage the services the program provides to crime victims and witnesses, and will:

1. Recruit and train qualified employees per statute and Department policy.
2. Integrate policy and practices required by changes in laws.
3. Establish, update, and maintain processes for eligible individuals to access program services.
4. Maintain confidentiality of enrollee information per state law.
5. Provide a process for program enrollees to communicate safety concerns and related requests to Department employees.
6. Establish a program evaluation process, including victim input on program effectiveness and policy suggestions.

II. Victim/Witness Notification Services

A. To the maximum extent allowed by law, all victim/witness notification service information will be maintained in a confidential manner to protect the privacy and safety of crime victims and witnesses and other program enrollees. [4-4447-1]

B. Eligibility for Notification Services

1. When an offender is convicted of a domestic violence court order violation or a violent, sex, serious drug, or felony harassment offense and is sentenced to confinement in Prison, the following individuals will be offered an opportunity to enroll in the victim/witness notification service:

   a. The victims and witnesses of the offender’s crime of conviction,
   b. The next of kin, if the crime of conviction was homicide, or
   c. Anyone identified in writing by the Prosecuting Attorney as eligible for the notification service.

C. Generating the Victim/Witness List

1. The assigned CCO/designee will complete the Victim/Witness List in Offender Management Network Information (OMNI) within 30 days from the date of assignment for every domestic violence court order violation and violent, sex, and felony harassment offense, as well as any serious drug offenses as defined in RCW 72.09.710.
a. Upon the offender’s entry to Prison, victim services program employees will assign the appropriate Field Office to generate the Victim/Witness List. Within 10 business days, assignment employees will assign a CCO/designee to complete the list.

b. The CCO/designee will:

1) Identify victims and witnesses by obtaining names, addresses, and telephone numbers from the county clerk/Prosecutor files and/or police reports. Contact may be made with the county Victim/Witness Assistance Program to determine other eligible victims and witnesses.

2) Email, fax, or mail to the Victim Services Program copies of all victim impact statements submitted to the sentencing court or obtained through a Pre-Sentence Investigation.

3) When there is no victim of an offense and only law enforcement personnel are identified as witnesses, make an “L/E only” entry in OMNI.

   a) A Victim/Witness List is required if law enforcement personnel are identified as victims.

2. Electronic copies of Victim/Witness Lists and any related documentation retained on local computer drives must be deleted and any paper copies pertaining to Victim/Witness Lists destroyed.

3. All Victim/Witness List disclosure requests should be routed through the Victim Services Program. Information contained in Victim/Witness Lists is sensitive and should be handled carefully.

D. Invitation and Enrollment

1. Once the Victim/Witness List has been entered into OMNI, victim services program employees will generate and mail all letters of invitation.

2. Eligible individuals will be enrolled in the victim/witness notification service when a written request for enrollment is received by the Victim Services Program. The request may be submitted on paper or electronically.

   a. At the time of enrollment, victim services program employees will notify program enrollees in writing that part of the offender’s sentence may be served in a Work Release and will include
instructions on how to submit input to the Department regarding the offender’s Work Release placement.

3. Victim services program employees will be notified of the names, addresses, and telephone numbers, if available, of potential victims identified in the End of Sentence Review process per DOC 350.500 End of Sentence Review/Sexually Violent Predator Civil Confinement. Those identified may be invited to enroll in the victim/witness notification service or offered other services as needed.

E. Notification to the Victim Services Program by Facility Records Employees

1. If an offender is transferring from Prison to Work Release, facility records employees will notify victim services program employees at least:

   a. 15 days before the transfer if the offender is serving a sentence during the current period of confinement for a serious drug offense, but not for any domestic violence court order violation or violent, sex, or felony harassment offense.

   b. 35 days before the transfer if the offender is serving a sentence during the current period of confinement for a domestic violence court order violation or violent, sex, or felony harassment offense.

2. Facility records employees will notify the Victim Services Program immediately upon notice of an approved Offender Release Plan (ORP).

3. If the offender is serving a sentence during the current period of confinement for a domestic violence court order violation or a violent, sex, or felony harassment offense, the release date will be set for no less than 35 days from the date the notice is sent to the Victim Services Program.

   a. If the release address changes or the date of release is delayed after notification to the Victim Services Program has been completed, the applicable 35 day notification period does not need to start over.

   b. If the offender requires an approved ORP to release before the maximum expiration (Max Ex) date and one has not been approved 35 days before that date, facility records employees will at that time notify the Victim Services Program that the offender will be released on the Max Ex date.

   c. If the offender does not require an approved ORP to be released before the Max Ex date, facility records employees will notify the
Victim Services Program at least 35 days before the offender’s planned release date.

4. If the offender is serving a sentence during the current period of confinement for a serious drug offense, but not for any domestic violence court order violations or violent, sex, or felony harassment offenses, the release date will be set for no less than 15 days from the date the notice is sent to the Victim Services Program.

a. If the release address changes or the date of release is delayed after notification to the Victim Services Program has been completed, the applicable 15 day notification period does not need to start over.

b. If the offender requires an approved ORP to release before the Max Ex date and one has not been approved 15 days before that date, facility records employees will at that time notify the Victim Services Program that the offender will be released on the Max Ex date.

c. If the offender does not require an approved ORP to be released before the Max Ex date, facility records employees will notify the Victim Services Program at least 15 days before the offender’s planned release date.

5. Records employees serving the facility where the offender is housed will immediately notify the Victim Services Program when the offender:

a. Is granted emergency furlough,

b. Is granted escorted leave for a deathbed visit or funeral,

c. Is approved for Extraordinary Medical Placement,

d. Is released on an appeal bond or a vacated/modified sentence,

e. Is returned to Prison after being terminated from Work Release,

f. Escapes,

g. Is apprehended following an escape, or

h. Dies while in confinement.

6. No offender will be held past his/her Max Ex date to complete victim/witness notifications.

F. Notification to Enrollees

1. Victim services program employees will make all notifications to program enrollees. Written notification required by RCW 72.09.340, RCW
72.09.710, RCW 72.09.712, and RCW 72.09.713 will be sent by certified mail, or by electronic mail if requested by the enrollee.

2. At least 10 days prior for an offender convicted of a serious drug offense, and 30 days prior for a domestic violence court order violation or a violent, sex, or felony harassment offense, victim services program employees will notify program enrollees when the offender:

   a. Transfers from Prison to Work Release. The notice will include instructions on how to submit input to the Department regarding the transfer.

   b. Is released to the community from a Department correctional facility.

3. Victim services program employees will document concerns received regarding Work Release placement in the offender’s electronic file. This information will be considered by Department employees when making Work Release placement decisions.

4. Victim services program employees will notify enrollees as soon as possible when the offender:

   a. Is granted emergency furlough,
   b. Is granted escorted leave for a deathbed visit or funeral,
   c. Is approved for Extraordinary Medical Placement,
   d. Is released on an appeal bond or a vacated/modified sentence,
   e. Is returned to Prison after being terminated from Work Release,
   f. Escapes,
   g. Is apprehended following an escape, or
   h. Dies while in confinement.

G. Headquarters Community Screening Committee (HCSC) Notifications

1. HCSC will notify the Victim Services Program of the following, and upon receiving notice, victim services program employees will notify appropriate enrollees when the offender:

   a. Is being considered for transfer to a Prison facility out of state while under Department jurisdiction, or

   b. Is scheduled to return to a Washington Prison from a facility out of state.
2. The notification to enrollees will include instructions for communicating concerns to the Victim Services Program regarding the facility location for transfer.

3. Victim services program employees will communicate enrollee concerns to HCSC regarding the transfer, which will be considered when determining facility location.

H. Escape from Prison or Work Release – After Hours Procedures

1. When an escape occurs after normal work hours:
   a. The Headquarters Warrants Unit will ensure notification by telephone is attempted for enrollees as soon as possible, but no later than 4 hours after discovery of the escape.
   b. The Headquarters Warrants Unit will document all contacts and attempted contacts on DOC 21-720 After Hours Escape Information Sheet, and forward to the Victim Services Program via fax or email by the following normal workday.
   c. Victim services program employees will follow up with written notification to the enrollees.

2. Upon apprehension, records employees serving the facility from which the offender escaped will notify victim services program employees, who will notify the enrollees in writing.

I. Abscond from Community Custody While on Electronic Monitoring

1. When the Victim Services Program receives notice that a Secretary’s Warrant has been requested for an offender under community custody with electronic monitoring as an enhancement to supervision, victim services program employees will immediately initiate attempts to contact all enrollees for that offender by telephone, and follow up with written notification.

2. Victim services program employees will notify enrollees in writing after receiving notice that a Secretary’s Warrant has been cancelled or the offender has been apprehended.

J. Notification of Proposed Addresses for Current Sex Offenders and ORCS Program Participants
1. A copy of the ORP for current sex offenders and ORCS program participants will automatically be routed to the Victim Services Program.

2. Victim services program employees will notify appropriate enrollees of the proposed release address as soon as the ORP is received and will include instructions regarding how to submit input or express concerns about a proposed release address.

3. Enrollees for proposed release address notifications for current sex offenders who committed their offense on or after June 6, 1996, will be informed of the opportunity to request a condition prohibiting the offender from contacting them or members of the victim’s immediate family.

4. Victim services program employees will document received community concerns (i.e., information provided by victims, witnesses, and other interested individuals regarding potential safety risks to specific individuals, or classes of individuals, posed by a specific offender) in the offender’s electronic file. This information will be used for case management, release planning, and supervision plan development.

5. Concerns related to victim safety will be weighed heavily when evaluating the proposed ORP and may result in the denial or modification of the ORP. Concerns may also lead to the implementation of a victim wraparound or other safety planning process as determined by the Victim Services Program Manager.

   a. Community Victim Liaisons will be available to work with CCOs and Counselors to provide additional information as necessary.

K. Employees aware of any threats made by an offender will immediately report the information to the Victim Services Program. The Victim Services Program Manager, in consultation with other Department employees, will assess the information and determine if notification is necessary under a duty to warn.

III. Threatening Behavior/Victim Services Referral

A. Counselors and CCOs will refer directly to the Victim Services Program any offender who, while in confinement or under supervision in the community:

   1. Exhibits threatening behavior toward a past or potential victim,
   2. Exhibits fixated or obsessive behavior toward a past or potential victim, or
   3. Pursues a relationship with a past victim.

B. Referrals to the Victim Services Program will be made using DOC 07-028 Threatening Behavior/Victim Services Referral. The referral must:
1. Include the name of the targeted individual, and

2. Either include documentation of the threatening behavior or specify the relevant electronic records that document the behavior.

C. Cases referred to the Victim Services Program will be reviewed and assigned as appropriate to the Community Victim Liaison serving the community in which the victim resides. Victim services program employees will document the assignment in the offender's electronic file using the “Community Concerns” chrono entry type, which will set the Community Concerns field in OMNI to “Yes”.

1. The Community Victim Liaison will:
   a. Review the referral and related file materials to assess the targeted individual’s service needs,
   
   b. Attempt contact with the targeted individual as needed to complete the assessment,
   
   c. Facilitate access to the needed services, and
   
   d. Document his/her involvement in the case, including the need to be involved in further release planning, in the offender’s electronic file.

2. Detailed information regarding the assessment of victim needs, victim contact information, and service plan will be documented in a protected chrono entry.

3. Victim Services Program interventions may include:
   a. Enrollment in the victim/witness notification service,
   b. Individual safety planning for victims,
   c. Referral to appropriate social and legal services, and/or
   d. Facilitation of the development of an integrated safety plan through victim wraparound services.

IV. Victim Wraparound Services

A. Under no circumstances should the offender or individual(s) acting on the offender’s behalf be informed of or participate in victim wraparound services.

B. The Community Victim Liaison will, in consultation with the victim, facilitate any victim wraparound meeting conducted by the Department.

C. The wraparound team may include:
1. The Community Victim Liaison, who will contact and invite wraparound team participants, explain the safety planning process, facilitate the meeting, and make all chrono entries related to the safety planning meeting.

2. The Counselor, who will provide information about offender's activities while incarcerated, which may include programming, attitude, and infractions.

3. The CCO, who will provide information regarding the offender’s risk assessment, supervision process, and conditions imposed by the court and the Department, and incorporate any conditions imposed as a result of the wraparound process into the Offender Supervision Plan.

4. Other Department employees, who may provide information about the offender’s reentry process in areas including supervision enhancements, treatment requirements, transportation, housing, etc.

D. Others may also be included as part of the wraparound team at the discretion of the victim and the Community Victim Liaison, including, but not limited to:

1. Local law enforcement officers,
2. Victim advocates and other support people, and
3. Treatment providers.

E. Following the completion of an integrated safety plan, the Community Victim Liaison will document victim wraparound services in the offender’s electronic file using the WA chrono event type, which will set the Wrap-Around field to “Yes”. Details of the safety plan will be documented only in protected entries in the offender’s electronic file.

DEFINITIONS:

The following words/terms are important to this policy and defined in the glossary section of the Policy Manual: Felony Harassment Offense, Victim, Witness. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

DOC 07-028 Threatening Behavior/Victim Services Referral
DOC 21-720 After Hours Escape Information Sheet