



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
DEPARTMENT WIDE

REVISION DATE
12/13/19

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NUMBER
DOC 390.300

POLICY

TITLE

VICTIM SERVICES

REVIEW/REVISION HISTORY:

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- Revised: 6/9/94
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- Revised: 5/25/15
- Revised: 12/13/19

SUMMARY OF REVISION/REVIEW:

Major changes to include victim services for Indeterminate Sentence Review Board hearings.
Read carefully!


APPROVED:

Signature on file

STEPHEN SINCLAIR, Secretary
Department of Corrections

11/14/19

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 72.09.340](#); [RCW 72.09.710-720](#); [RCW 72.68.045](#); [DOC 280.510 Public Disclosure of Records](#); [DOC 350.200 Offender Transition and Release](#); [DOC 350.500 End of Sentence Review/Sexually Violent Predator Civil Confinement](#); [DOC 390.350 Facilitated Communication Between Victims and Offenders](#)

POLICY:

- I. The Department recognizes the importance of offering victims, next of kin/survivors of victims, witnesses of crimes, and concerned community members opportunities to submit concerns and provide input regarding individuals under Department jurisdiction.
- II. Upon request and as required by statute, the Department will make reasonable efforts to provide notification, resources, and safety planning to persons affected by crimes.
- III. The Department has established guidelines to report threats made by individuals under Department jurisdiction toward specific persons to the Victim Services Program (VSP).
- IV. To the maximum extent allowed by law, victim service information will be maintained in a confidential manner to protect the privacy and safety of those affected.

DIRECTIVE:

- I. General Requirements
 - A. The VSP may provide the following services:
 1. Advance victim/witness notification services
 2. Individual safety planning for victims
 3. Referral to appropriate programs and services (e.g., social, legal)
 4. Facilitated victim wraparound meeting
 5. Facilitated dialogue per DOC 390.350 Facilitated Communication Between Victims and Offenders
 - B. The Indeterminate Sentence Review Board (Board) Victim Liaison may provide information on Board hearing proceedings, including attendance and submitting victim impact statements, if applicable.
- II. Responsibilities
 - A. The VSP Manager will manage the services the program provides to victims and witnesses, and will:
 1. Recruit and train qualified employees per statute and Department policy,

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2. Integrate policy and practices required by changes in law,
3. Establish, update, and maintain processes for eligible persons 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 employees, and
6. Establish a program evaluation process, including victim input on program effectiveness and policy suggestions.


III. Victim/Witness Advance Notification Services

A. Eligibility for Advance Notification Services


1. When an individual 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 persons are eligible to receive notification services:
 - a. Victims, including the parent/guardian of a minor victim, and witnesses of the crime of conviction,
 - b. Next of kin, if the crime of conviction was homicide, or
 - c. Anyone identified in writing by the Prosecuting Attorney.
2. VSP 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 to enroll in the program or provide other services as needed.

B. Generating the Victim/Witness List

1. Upon an individual's entry into Prison, VSP employees will assign the appropriate Field Office to identify eligible persons and generate the victim/witness list. A designated employee will be assigned within 10 business days to complete the list.
 - a. The assigned employee will complete the list in the individual's electronic file 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 as follows:

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- 1) Eligible persons will be identified by obtaining names, addresses, and telephone numbers from police reports, county clerk/Prosecutor files, and/or the county victim/witness assistance program.
 - 2) Copies of victim impact statements submitted to the sentencing court or obtained through a pre-sentence investigation will be emailed, faxed, or mailed to the VSP.
 - 3) A list is required if law enforcement personnel are identified as victims/witnesses.
 - a) When there is no victim of an offense and only law enforcement personnel are identified as witnesses, an "L/E only" Chronological Event (chrono) entry will be documented in the electronic file.
2. Electronic copies of victim/witness lists and related documentation retained on local computer drives must be deleted and any paper copies destroyed.
 3. Victim services information is highly sensitive and should be handled as confidential information. Requests for disclosure will be handled per DOC 280.510 Public Disclosure of Records.
- C. Invitation and Enrollment
1. VSP employees will use the list to generate and mail letters of invitation to identified eligible persons to enroll in the notification service.
 2. Eligible persons will be enrolled when a written request for enrollment is received by the VSP, electronically or by mail. Request for services may be submitted using DOC 07-040 Application for Advance Notification and Victim Services.
 - a. At the time of enrollment, VSP employees will notify program enrollees in writing that part of the individual's sentence may be served in partial confinement.
 - 1) Instructions will be provided to communicate concerns and input regarding placement.
 - b. 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

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individual from contacting them or members of the victim's immediate family.

D. Facility Records Employees Notifications

1. If the individual is transferring from Prison to partial confinement, facility records employees will notify VSP employees at least:
 - a. 35 days before the transfer if the individual is serving a sentence during the current period of confinement for a domestic violence court order violation or violent, sex, or felony harassment offense.
 - b. 15 days before the transfer if the individual is serving a sentence during the current period of confinement for a serious drug offense.
2. Records employees serving the facility where the individual is housed will immediately notify the VSP when the individual:
 - a. Is granted an:
 - 1) Approved release plan per DOC 350.200 Offender Transition and Release,
 - 2) Emergency furlough,
 - 3) Escorted leave for a deathbed visit or funeral, or
 - 4) Extraordinary Medical Placement.
 - b. Is released on an appeal bond or a vacated/modified sentence,
 - c. Is returned to Prison after being terminated from partial confinement,
 - d. Escapes or is apprehended following an escape, or
 - e. Dies while in confinement.
3. From the date the notice is sent to the VSP of an approved release plan, the planned release date will be set for no less than:
 - a. 35 days if the individual 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.
 - b. 15 days if the individual is serving a sentence during the current period of confinement for a serious drug offense.
4. If the release address changes or the date of release is delayed after notification to the VSP has been completed, the applicable notification period does not need to start over.

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5. If an approved release plan is required before the Maximum Expiration (Max Ex) date and one has not been approved before the applicable notification period, facility records employees will, at that time, notify the VSP that the individual will be released on the Max Ex date.
 6. No individual will be held past the Max Ex date to complete notifications.
- E. Headquarters Community Screening Committee (HCSC) Notifications
1. HCSC will notify the VSP when the individual is being considered for transfer to or scheduled to return from an out-of-state Prison while under Department jurisdiction.
 2. Notification to program enrollees will include instructions for communicating concerns regarding facility placement. VSP employees will communicate concerns to HCSC for consideration when determining placement.
- F. Escape from Prison or Work/Training Release – After Hours Notifications
1. When an escape occurs after business hours, the Headquarters Warrants Unit will ensure notification by telephone is attempted for program enrollees as soon as possible, but no later than 4 hours after discovery of the escape.
 - a. Contacts and attempted contacts will be documented on DOC 21-720 After Hours Escape Information and submitted to the VSP via fax or email by the following business day.
- G. Notification of Proposed Addresses for Current Sex Offenders and Offender Reentry Community Safety (ORCS) Program Participants
1. A copy of the release plan for current sex offenders and ORCS program participants will automatically be routed to the VSP.
 2. Notification to program enrollees will include instructions for communicating concerns and input about a proposed release address.
 3. VSP employees will document received community concerns (i.e., information provided by victims, witnesses, and others regarding potential safety risks to specific persons, or classes of persons) in the electronic file for case management, release planning, and supervision plan development.

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4. Concerns related to victim safety will be weighed heavily when evaluating the proposed release plan and may result in the denial or modification of the plan. Concerns may also lead to the implementation of a victim wraparound or other safety planning process as determined by the VSP Manager.
 - a. Community Victim Liaisons (CVLs) will be available to work with case managers to provide additional information as necessary.

H. Notification to Program Enrollees


1. VSP employees will notify program enrollees as required per RCW 72.09.340 and RCW 72.09.710-713 by certified mail, or electronic mail if requested by the enrollee.
2. Notification will be provided when the individual is transferring from Prison to partial confinement or being released to the community at least:
 - a. 30 days prior for a domestic violence court order violation or a violent, sex, or felony harassment offense, and
 - b. 10 days prior for a serious drug offense conviction.
3. Notifications for individuals transferring to partial confinement will include instructions for communicating concerns and input regarding the transfer.
 - a. VSP employees will document concerns received in the electronic file. Concerns will be considered when making placement decisions.
4. Notification will be provided as soon as possible when the individual:
 - a. Is granted furlough,
 - b. Is granted escorted leave for a deathbed visit or funeral,
 - c. Is approved for Extraordinary Medical Placement,
 - d. Submits a release plan while serving a sex offense or while participating in the ORCS program,
 - e. Is the subject of a hearing conducted by the Clemency and Pardons Board while confined in a Department facility,
 - f. Is released on an appeal bond or a vacated/modified sentence,
 - g. Is released from a Juvenile Rehabilitation facility having been sentenced as an adult,
 - h. Is returned to Prison after being terminated from partial confinement,
 - i. Escapes or is apprehended following an escape,

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- j. Dies while in confinement,
- k. Is transferred to a facility out-of-state where the enrollee resides or in close proximity (i.e., within 100 miles) to the enrollee's residence, and when the individual returns to a Washington facility, or
- l. Has a Secretary's Warrant requested or cancelled while under community custody with electronic monitoring.
 - 1) VSP employees will immediately attempt to contact program enrollees by telephone and through written notification when an individual absconds from community custody.

IV. Victim Services Referral


- A. Employees/contract staff aware of any threats made by an individual toward a specific person(s) will immediately report the information to the VSP. The VSP Manager, in consultation with other employees, will assess the information and determine if notification is necessary under a duty to warn.
- B. Employees/contract staff will use DOC 07-028 Victim Services Referral to refer an individual who:
 - 1. Exhibits threatening behavior toward a past or potential victim,
 - 2. Exhibits fixated or obsessive behavior toward a past or potential victim,
 - 3. Pursues unwanted contact with a past or potential victim, or
 - 4. Pursues a relationship with a past victim.
- C. Referrals must include the name of the targeted person and documentation of the threatening behavior or the location of relevant electronic records that document the behavior.
- D. Cases referred to the VSP will be reviewed and assigned to the appropriate CVL where the victim resides. The CVL will:
 - 1. Review the referral and related file materials to assess the targeted person's service needs,
 - 2. Attempt contact with the targeted person as needed to complete the assessment,
 - 3. Facilitate access to needed services, and
 - 4. Document involvement in the case, including further release planning, and notification to employees/contract staff in the electronic file.

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- E. Detailed information regarding the assessment, contact information, safety concerns, and safety plan will be documented by the CVL as a protected chrono entry.
- F. A summary of information relevant to case management decisions will be documented in the Community Victim Liaison Narrative section under the Safety Concerns banner in the electronic file.
- G. VSP employees will document the concern in the electronic file using the Community Concerns chrono entry, which will set the Community Concerns field in the electronic file to "Yes".

V. Victim Wraparound Services


- A. The CVL will, in consultation with the victim, organize and facilitate any victim wraparound meeting conducted by the Department to establish a safety plan addressing known risks.
 - 1. Under no circumstances should the individual or anyone acting on their behalf be informed of or participate in victim wraparound services.
- B. The wraparound team may include:
 - 1. The CVL, 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 case manager, who will provide information about the individual's risk assessment, supervision, imposed conditions, and activities while incarcerated, including programming, attitude, behavior, and violations.
 - a. Conditions imposed as a result of the wraparound process will be incorporated to the continuous case management plan.
 - 3. Other Department employees, who may provide information about the reentry process (e.g., supervision enhancements, treatment requirements, transportation, housing).
 - 4. Others at the discretion of the victim and the CVL, may include:
 - a. Local law enforcement officers,
 - b. Advocates from community-based groups, and
 - c. Treatment providers.

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- C. Following the completion of the wraparound, the CVL will document the integrated safety plan in the electronic file using a protected chrono entry, which will set the Wrap Around field to “Yes”.

VI. Victim Services for Board Hearings

- A. Cases involving individuals under Board jurisdiction will be assigned directly to the Board Victim Liaison.
1. The Board Victim Liaison will provide support to victims/survivors by:
 - a. Assisting with preparing statements to the Board,
 - b. Assisting with safety planning,
 - c. Answering questions related to the decision-making process, and
 - d. Referring to community resources.
 2. The Board Victim Liaison may refer victims/survivors for enrollment in the VSP for notifications regarding transfers and releases.
- B. Upon receipt of a petition for early release or determination of a Parole Eligibility Review Date for a Long Term Juvenile Board or pre-Sentencing Reform Act individual, the Board will notify victims/survivors within 90 days of the scheduled hearing.
1. Notices will include a copy of the petition or parole eligibility documents.
 2. Victims/survivors may submit a written request to be provided any assessment, psychological evaluation, institutional behavior record, or other examination.
 3. Records must be disclosed in full and without redaction, except medical/substance use disorder records.
- C. Victims/survivors will be given the opportunity to submit statements, including concerns and recommendations, to the Board regarding any release hearing for an individual under Board jurisdiction.
1. Statements must be received at least 14 days before the scheduled hearing and may include:
 - a. Physical, emotional, psychological, financial, employment, relational/social impact,
 - b. Opinions regarding the individual’s release,
 - c. Requests for community conditions of release,

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- d. Memorabilia (e.g., photographs, videotapes) of the deceased victim(s), and/or
 - e. Description of the offense, relationship history, and other information regarding social history and personality/behavior.
2. Statements may be submitted verbally, in writing, or as a recording and will be maintained in the individual's Board file.
 - a. Written statements will be submitted to the Board Victim Liaison and may be documented on DOC 02-407 Statement to the Indeterminate Sentence Review Board.
 - b. Telephonic and oral statements must be scheduled with the Board Victim Liaison in advance, and will occur during monthly Board meetings.
 - c. Video conferences may be available upon request and at the discretion of the Board.
 3. The Board Victim Liaison will provide the statement(s) to the individual for review before the scheduled hearing.
 - a. Summaries will be provided when disclosure of the full statement may result in endangering any person's life, physical safety, or property.
- D. Upon request, the Board may provide reasonable accommodations in compliance with the Americans with Disabilities Act.

DEFINITIONS:

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

ATTACHMENTS:

None

DOC FORMS:

- [DOC 02-407 Statement to the Indeterminate Sentence Review Board](#)
- [DOC 07-028 Victim Services Referral](#)
- [DOC 07-040 Application for Advance Notification and Victim Services](#)
- [DOC 21-720 After Hours Escape Information](#)