

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 457.08

DATE: 15 February 2020

SUBJECT: VICTIM SERVICES

POLICY DIRECTIVE

PURPOSE:

To establish guidelines for services provided to crime victims by the Division of Corrections and Rehabilitation.

REFERENCE:

WV Code §§61-11A-8 and 62-12-23.

RESPONSIBILITY:

The Assistant Commissioner of Intergovernmental Affairs is responsible for developing Protocols to ensure compliance with this Policy Directive.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 457.03, dated 01 November 2005; DOC Policy Directive 457.05, dated 01 May 2009; DOC Policy Directive 457.06, dated 01 March 2013; DOC Policy Directive 457.08, dated 01 June 2008; and DOC Policy Directive 505.06, dated 01 August 2013.

APPLICABILITY:

All facilities within the Division of Corrections and Rehabilitation that have custody of adult inmates. This Policy is available for general distribution.

DEFINITIONS:

Crime Victim: Any person who suffers direct or threatened physical, emotional or financial harm as a result of a commission of a crime.

Victim Information and Notification Everyday (VINE): An automated service that lets the registered user track the custody status of inmates who are incarcerated within the DCR.

Victim Offender Dialogue (VOD): A completely voluntary, structured, confrontational, face-to-face meeting, requested by a victim, between victims of severe and violent crimes (e.g. murder, kidnapping, aggravated robbery, etc.) and the inmate in a safe and secure setting.

Victim Services Representative: A person that represents the Superintendent, the Division of Corrections and Rehabilitation and the Victim Services Specialist who will provide assistance and support to crime victims in addition to his/her regular duties.

Victim Services Specialist: A Central Office employee designated to provide direct services and coordinate victim services on an agency-wide basis.

POLICY:

- I. The key components provided by the Division of Corrections and Rehabilitation Victim Services include:
 - A. Assistance to victims, victims' family members, victim advocates or their representatives who attend Parole Board Hearings.
 1. Each Superintendent, in coordination with the Victim Services Specialist, will appoint appropriate staff to function in the capacity as a Victim Services Representative. In facilities with more than one Victim Services Representative, the Superintendent will designate one as the Lead Victim Services Representative.
 2. The Reentry Coordinator will notify the Victim Services Representative and Victim Services Specialist when victims are scheduled to attend a Parole Board Hearing.
 3. There should be one (1) Victim Services Representative to every three (3) persons attending the hearing, if possible.
 4. The Victim Services Representative will meet the victim(s) in a designated area and accompany the victim(s) to a separate waiting area away from the inmates' families and witnesses, if possible. The Victim Services Representative will remain with the victim(s).
 5. The Victim Services Representative will explain the procedure the Parole Board will follow, answer any questions the victim(s) may have and offer support to the victim(s) while waiting for the hearing to begin.
 6. The Victim Services Representative will escort the victim(s) into the Hearing Room first and then the inmate and his/her family will enter.
 7. The Victim Services Representative will stay beside the victim during the hearing; however, if the victim becomes too upset to continue, the Victim Services

Representative may request the Parole Board halt proceedings until the victim is composed. The Parole Board may make a determination whether the victim should remain in the hearing.

8. After the hearing is completed, the Victim Services Representative will escort the victim back to the waiting area for debriefing to answer any questions and to provide support.
9. The Lead Victim Services Representative will provide the Victim Services Specialist with victim contact information who wish to be further notified or victims who have contact information changes to be made in the Offender Information System (OIS).

B. Ensuring confidentiality of victims' information.

1. All information concerning victims is to be kept confidential at all times.
2. No staff member shall give victim information to any inmate.
3. No staff member shall inform any inmate that a victim has requested notification.

C. Notification to victims prior to any release from confinement of the convicted inmate and/or escape from custody, with follow-up notification to victims when escapees are returned to custody.

1. Upon receipt of a written request from a crime victim concerning an inmate sentenced to the custody of the DCR, the receiving party will forward the written request to the Victim Services Specialist/designee who shall cause the request to be entered in the appropriate fields in OIS and filed as appropriate.
2. Parole Officers completing Post Sentence Investigation (PSI) reports will provide appropriate information to victims concerning requesting notification.
3. The Victim Services Specialist will provide information on registering with VINE to the victim(s) that requested such notification.
4. When an inmate's confinement status changes for any reason (parole, discharge, court-ordered release, transfer to a work release center, escape, death, etc.), VINE will send an alert.
5. All Superintendents will incorporate into their Escape Operational Procedures/Post Orders telephonic notification to the victim(s) and notification to the DMAPS Corrections Emergency Operations Center who will notify the Victim Services Specialist.

6. When an escapee is captured and returned to custody, the facility will notify the victim(s). VINE will also send a notification.
- D. Consistent application of guidelines to permit or prohibit inmate and victim contact will be handled on a case-by-case basis.
1. It is not normally recommended that contact between Domestic Violence victims and Sexual Assault victims and the inmate perpetrators be permitted. This is due to control and intimidation issues that could be involved.
 2. Facility staff that normally manage inmate visitor's and phone lists shall check with due diligence all contact requests to ascertain if the requested contact is a victim of the inmate's crime. If it is determined the requested contact is a victim, the Superintendent/designee will be informed, and the following steps shall be taken:
 - a. The Superintendent/designee will contact the victim to ascertain if there has been coercion to establish this contact and to ensure the contact is desired.
 - b. The victim must provide written authorization to the facility if contact by the inmate phone system is acceptable to the victim.
 - c. Factors that could determine whether a visit or phone contact is approved may include the age of the victim and/or inmate when the crime was committed; the length of time since the crime; whether there are family or special relationships between the victim and the inmate; the inmate's conduct; and whether the request coincides with legal appeals or upcoming parole hearings.
 - d. The Superintendent may approve telephone/mail/visitation contact if there is no threat to the security and good order of the facility and it is in the best interest of the victim. The DCR will not violate any known protective or separation orders.
 3. No victim contact information (address, phone number, email address, etc.) will be shared with any inmate by the facility at any time. In the event an inmate wants to write his/her victim to apologize, etc., the correspondence must be read by the Superintendent/designee for appropriateness. The Victim Services Specialist is available for advice if needed. If it is an appropriate letter, the Superintendent/designee will call the victim to see if the contact is desired. If so, the Superintendent/designee will forward the correspondence to the victim.
 4. Only a victim may request Victim Offender Dialogue (VOD). The victim must be of legal age.
 - a. VOD facilitators will be specifically trained to facilitate the entire VOD process.

- b. Unless ordered disclosed by a court of competent jurisdiction, there will be no disclosures of any confidential information obtained during the entire VOD process.
- c. All participants will be informed that any information obtained and/or shared about any criminal activity not covered by the VOD will be disclosed to law enforcement.
- d. There will be no media involvement without the express written consent of the Commissioner of the Division of Corrections and Rehabilitation.
- e. The inmate will be informed that participation in the VOD will not help him/her with parole or early release.
- f. No legal proceedings may be pending regarding the crime in question.
- g. The DCR will not violate any protective or separations orders.
- h. Only one (1) paper file will be maintained at the conclusion of the entire process. That file will be maintained in a confidential file in Central Office.
- i. Victim preparation will include, at a minimum:
 - 1) The VOD facilitator working with the victim will confirm and document by telephone conversation and/or written correspondence that a support system is in place for the victim during and after the VOD process (e.g. family, clergy, mental health professionals, physicians, etc.).
 - 2) During the process the VOD facilitator will have frank discussions with the victim regarding the purpose of the request, what the victim hopes to gain and emotional preparedness for the confrontation.
- j. Inmate preparation will include, at a minimum:
 - 1) The VOD facilitator working with the inmate will determine if the inmate is currently seeing mental health professionals by checking with the medical/mental health departments.
 - 2) The VOD facilitator will inform the inmate that participation in the VOD process will not benefit him/her legally or provide any special privilege.
 - 3) The inmate must voluntarily agree to participate in the process without hope of personal gain.
 - 4) The inmate must acknowledge guilt in the crime in question.

- k. The VOD may be stopped by either the victim or the inmate at any point during the process.
- l. The VOD meeting may include:
 - 1) There will be at least two (2) Correctional Officers positioned outside the room/area the meeting will take place in case of disturbance.
 - 2) The victim may bring a support person with them to the meeting. That support person must be known to the VOD facilitator.
 - 3) At least two (2) VOD facilitators will conduct the meeting. One (1) facilitator will take the lead and will review the conditions/rules for the meeting with all present.
 - 4) No record (electronic or written) will be made of the meeting.
 - 5) The inmate will still be subject to inmate rules and any major disturbance or rule violations during the meeting will be handled in the normal manner with appropriate reports being written.

II. The Victim Services Specialist's responsibilities include, but are not limited to the following:

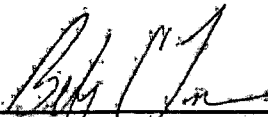
- A. Providing direct services to victims.
- B. Networking with local, state and national victim groups, prosecutors, and the West Virginia Parole Board to provide services to crime victims.
- C. Coordinating with the automated Victim Information and Notification Everyday (VINE) service.
- D. Coordinating and overseeing victim assistance at parole hearings.
- E. Developing and maintaining the DCR Victim Services Operational Manual containing procedures for designated staff who are responsible for coordination of victim's services. This shall include, at a minimum:
 - 1. Specific services available to crime victims and how to access these services;
 - 2. Updated laws impacting victims;
 - 3. Confidentiality of victim information;
 - 4. Ways for victims to communicate complaints and other concerns; and

5. Evaluation measures, which include victim input regarding effectiveness of services and ways for them to make suggestions regarding policies, procedures and practices intended to assist crime victims.

ATTACHMENT(S):

None.

APPROVED SIGNATURE: _____



Betsy C. Jividen, Commissioner

2-7-20
Date