



Operating Procedure

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| Effective Date | January 1, 2019 | Number | 021.2 |
| Amended | | Operating Level | Department |
| Supersedes Operating Procedure 021.2 (1/1/16) | | | |
| Authority COV §19.2-11.01 et seq., §53.1-10, §53.1-25, §53.1-30 | | | |
| ACA/PREA Standards 5-5F-4447-2 | | | |
| Office of Primary Responsibility Victim Services Unit | | | |

Subject
VICTIM/OFFENDER DIALOGUE

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| Incarcerated Offender Access Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| | Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |

I. PURPOSE

This operating procedure addresses requests from an adult crime victim/survivor to meet with the offender or offenders who committed a crime against them or a family member. Whenever possible, the Virginia Department of Corrections will accommodate such requests, subject to the conditions and restrictions of the Department of Corrections. The intent of this operating procedure is to provide guidance, consistency, and sensitivity in the Victim/offender Dialogue process.

II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Facilitator - An individual assigned by the DOC Victim Services Unit, who has been trained to prepare the victim/survivor and the offender for a Victim/offender Dialogue; a facilitator does not in any way promote or suggest reconciliation, settlement, compromise, agreement, or any measure of forgiveness.

Offender - For purposes of this operating procedure, an individual currently serving a state sentence in a Virginia Department of Corrections facility. This may include an individual under parole supervision as approved on a case by case basis.

Qualified Mental Health Professional (QMHP) - An individual employed in a designated mental health services position as a Psychologist or Psychology Associate, Psychiatric Provider, Social Worker (Masters level) or Registered Nurse, or an individual with at least a Master's degree in psychology, social work, or relevant human services field with knowledge, training, and skills in the diagnosis and treatment of mental disorders.

Stalking Offenses - A distinctive form of criminal activity composed of a series of actions that taken individually may be considered legal behavior; however when steady harassment is coupled with an intent to instill fear or injury and is persistent, inappropriate, and unwanted, this may constitute a pattern of behavior that is illegal.

Victim/offender Dialogue (VOD) - A voluntary, structured meeting between a crime victim/survivor and the offender who committed the crime against them, or in the case of homicide or an offense against a minor, an immediate family member. VOD involves a series of separate, one-on-one preparation sessions conducted by a trained facilitator with the victim/survivor, and the same facilitator with the offender. These preparation sessions may result in a single dialogue between the victim/survivor and the offender with the facilitator present. Victim/offender Dialogue offers victims/survivors of crime an opportunity to meet with the offender in a controlled environment, to direct questions to the offender, and provide the victim/survivor with the opportunity to verbalize how the offense affected them and their families.

Victim/offender Dialogue Committee (VOD Committee) - A committee appointed by the DOC Director to approve requests for victim/offender dialogue.

Victim/Survivor - For purposes of this operating procedure, a person who is the documented victim of the crime for which the offender is currently incarcerated; the term “victim/survivor” also includes the person’s spouse, parent, child, sibling, or lawful representative of a crime victim who is deceased, who is a minor, is incompetent, or is physically or psychologically incapacitated. The term “victim” also includes a person whose life has been threatened by an offender while incarcerated.

VOD Coordinator - An individual employed by the DOC Victim Services Unit assigned to manage intake of VOD requests and conduct interviews with victims/survivors to assess suitability for dialogue. The VOD Coordinator will provide case management, troubleshoot and resolve issues, and track data for research.

IV. PROCEDURE

A. Victim/offender Dialogue Program (5-5F-4447-2)

1. Requests for Victim/offender Dialogue (VOD) will be initiated only by the victim/survivor and will not, under any circumstance, be initiated by an offender.
2. The VOD program provides an opportunity for victims or survivors to meet with the offender responsible for their victimization in a safe, secure, and confidential setting after thorough preparation with, and with the assistance of a properly trained facilitator.
3. Anchored in meeting the needs of the victim/survivor first, Victim/offender Dialogue (VOD) is a victim-centered and offender-sensitive process.
4. Initiation or approval of VOD does not guarantee any particular outcome, including that a face-to-face session will occur.

B. General Conditions for VOD

1. The victim/survivor will contact the Victim Services Unit to request a VOD. The request should be in writing, via either mail, FAX, or e-mail.
2. Only a request coming directly from the victim/survivor will be considered.
3. All participants must be at least 18 years old.
4. The following conditions may prohibit an offender from participation in the VOD process:
 - a. Offenders with a current or past history of stalking offenses; unless approved by the VOD Committee
 - b. Offenders with outstanding legal issues or who are involved in current legal issues relating to their conviction or the victim; all Court orders will be reviewed to determine if a VOD is appropriate.
 - c. Any and all “no contact” conditions imposed by the Court of conviction or any other Court remain in effect for the duration of the court order or sentencing conditions. Reconsideration will only take place after the DOC receives documentation from the Court that the order has been lifted.
 - d. Conviction under Operating Procedure 861.1, *Offender Discipline, Institutions* of any Category I Offense or a series of Category II Offenses
5. Victim/survivor and offender participation in the dialogue process is strictly voluntary.
6. Victims/survivors requesting VOD are strongly encouraged to disclose any past criminal convictions; failure to do so in a timely manner may result in a denial or termination of the VOD request.
7. Victims will be responsible for their own expenses associated with a VOD.

C. Process for Victim/offender Dialogue

1. The primary objective of the Victim/offender Dialogue (VOD) process is to ensure an experience

- that protects against the risk of re-victimization.
2. The Victim Services Unit will review all requests for a VOD and submit the information to the Victim/offender Dialogue Committee.
 - a. This committee serves as the official designee for the Director of the Virginia Department of Corrections.
 - b. The Victim Services staff or the VOD Coordinator will contact the Unit Head of the facility where the offender is housed to inform them of the victim/survivor request.
 3. The Facility Unit Head or designee will contact the offender to determine if they are willing to participate in the VOD process. Preliminary agreement to participate does not guarantee that the VOD process will take place.
 - a. If the offender agrees to participate, the facility's Senior Qualified Mental Health Professional (QMHP) will meet with the offender to determine suitability for VOD. If there is no Senior QMHP on site, the Mental Health Clinical Supervisor will determine who will provide the information in accordance with Operating Procedure 730.2, *Mental Health Services: Screening, Assessment, and Classification*.
 - b. If the offender declines participation or the facility information indicates the offender is otherwise not appropriate, the facility contact person will notify the Victim Services Unit, which will make appropriate notifications as necessary.
 4. The Facility Unit Head will forward a recommendation to the Victim Services Unit, based on the facility's staff information, including but not limited to disciplinary reports, and program participation.
 5. The victim should provide any additional information requested by Victim Services, including but not limited to participation in counseling, survivor groups, and community based support services.
 6. The VOD Committee will review all regular VOD requests, and will make a recommendation based on available information. As soon as possible after the committee meets, the VOD Coordinator will begin the VOD process.
 7. The Victim Services Unit will notify victims of the VOD Committee recommendation.
 8. The Victim Services Unit will terminate the process if the victim/survivor or offender decides at any point in the process that they do not wish to participate in the VOD. ,.

D. VOD Approval

1. The DOC Director and the VOD Committee are the only authorities who can approve a VOD process.
2. If the VOD Committee (Director) does not approve the request, the VOD Coordinator will inform the requesting victim/survivor in writing and provide an explanation for the determination.
3. If the VOD Committee determines that a victim/survivor and the offender are appropriate candidates for the VOD process, the VOD Coordinator must:
 - a. Notify the victim/survivor that the VOD process has been approved
 - b. Assign a trained facilitator to prepare the victim and the offender for VOD
 - c. Notify the offender's Facility Unit Head of the VOD approval, provide the name and contact information for the assigned facilitator.
4. The facilitator will provide the facility contact with materials and explain the VOD process; the facility contact will notify the offender.

E. Requirements for Victim/offender Dialogue (VOD)

1. If the offender has not been convicted of the offense for which the victim/survivor is requesting a dialogue, the victim will be informed that verification (such as DNA evidence) from law enforcement must be produced connecting the offender to the crime before the request will be

considered.

2. VOD is intended for one victim to meet with one offender. If multiple offenders received convictions for the same offense, each dialogue will be processed separately. Exceptions may be reviewed by the VOD Committee and approved on a case-by-case basis.
3. If an offender refuses to admit responsibility for their role in the crime of record, the victim will be informed and can determine whether to proceed with the VOD process. Accordingly, any offender considering participation is encouraged to seek legal advice prior to proceeding with participation.
4. Termination of the VOD process is permitted any time by the victim/survivor, offender, facilitator, or DOC staff if the motives, actions, or attitudes of either the victim/survivor or the offender are considered dangerous, disruptive, or destructive to the physical or emotional safety of either party or to the process.
5. Participation in the VOD process will not affect the offender's facility assignment, sentence, classification, or release to the community.
6. All participants must be at least 18 years old.
7. Offenders must have served at least five years or 50% of their sentence, whichever is less. The VOD Committee may approve a waiver of the time requirement on a case-by-case basis.
8. The offender's disciplinary record and pattern of adjustment will be reviewed throughout the process to determine if the offender's behavior is appropriate for continued participation in the VOD process. If, during the VOD process, additional disciplinary actions are taken against the offender, the VOD Coordinator must be notified as soon as possible.
9. Sex offenders, cases involving domestic violence, and death row offenders will be reviewed for VOD on a case-by-case basis. If considered appropriate, the VOD Committee may approve. No death row offender will be considered once moved to Greensville Correctional Center for a pending execution.
10. The victim/survivor should sign a [Victim Release of Liability](#) 021_F1 relieving the Department of Corrections, its staff and volunteers, and the facilitator from any liability. They must also declare that they do not intend to cause physical or emotional harm to any party associated with the VOD process.
11. The offender will be required to sign an [Offender Release of Liability](#) 021_F2 relieving the Department of Corrections, its staff and volunteers, and the facilitator from liability. They must also declare in writing that they do not intend to cause physical or emotional harm to any party associated with the VOD process.
12. All parties involved in the VOD process must agree on the importance of confidentiality in the preparation for and during the dialogue session.
13. No party may utilize documents, witnesses, or materials involved in the dialogue process for the purpose of any current or future court action.
14. While the VOD process is ongoing, all parties will refrain from relating to the commercial media, social media or any other public forums about the content of the preparation or dialogue session. Failure to comply with this condition will result in termination of the VOD process. This does not prevent free communication after the VOD process has ended but acknowledges the integrity of the ongoing dialogue process and honors the sensitive nature of the topics discussed.

F. VOD Facilitators

1. Whenever possible, the DOC will select VOD Facilitators from the pool of pre-screened and trained employees who have applied to become facilitators.
2. Facilitators who are non-DOC employees are subject to a criminal background check prior to participation in the VOD process.

3. Based on information received during the preparation process, the facilitator may determine that a face-to-face VOD is not appropriate.
4. The facilitator, in consultation with the VOD Coordinator, has the authority and responsibility to terminate the VOD process if they determine the motives, actions, or attitudes of either the victim or the offender are considered disruptive or dangerous. This may include the potential for revenge, manipulation, coercion, or substantial risk of physical or emotional harm.
5. The facilitator makes arrangements through the facility contact for the date, time, and location for all meetings with the offender.
6. The facilitator notifies the Senior QMHP in advance of every offender meeting to determine if the offender needs services or has concerns with the VOD process.
7. The facilitator maintains regular contact with the victim/survivor to provide support, make referrals if necessary, and determine if they have concerns with the VOD process.
8. The VOD Coordinator reports on the status of the VOD process every year. The report will include information gathered from victim and offender follow up surveys.
9. Facilitators and the VOD Coordinator must be familiar with and use the *VOD Preparation Process Guide* for development of a VOD.

G. Victim/offender Dialogue Surveys

1. The information gathered from the *Victim/offender Dialogue Surveys* will assist the Victim Services Unit to monitor and improve the quality of services provided to crime victims and survivors.
2. Participation in the survey is voluntary for both victim and offender.
3. Information provided in the survey, including personal identification of a victim or an offender, will be kept confidential and used for internal reporting purposes only unless the information describes illegal or threatening activity.
4. Offenders will be offered and asked to complete and return a [Victim/offender Dialogue Survey - Offender Version](#) 021_F4
5. Victims will be offered and asked to complete and return a [Victim/offender Dialogue Survey - Victim Version](#) 021_F3 in a supplied pre-addressed envelope or via e-mail as instructed.

V. REFERENCES

Operating Procedure 730.2, *Mental Health Services: Screening, Assessment, and Classification*
Operating Procedure 861.1, *Offender Discipline, Institutions*

VI. FORM CITATIONS

[Victim Release of Liability](#) 021_F1
[Offender Release of Liability](#) 021_F2
[Victim/offender Dialogue Survey - Victim Version](#) 021_F3
[Victim/offender Dialogue Survey - Offender Version](#) 021_F4

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years after the effective date.

Signature Copy on File

10/31/18

H. Scott Richeson, Deputy Director for Programs, Education, and Reentry Date