



Virginia Department of Corrections

Community, Media, and Other Agency Relations

Operating Procedure 021.2

Victim Offender Dialogue

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Content Owner/Reviewer:	Amber Leake Victim Services Unit Director	<i>Signature Copy on File</i>	11/22/2024
		Signature	Date
Signatory:	Scott Richeson Deputy Director of Programs, Education, and Reentry	<i>Signature Copy on File</i>	11/25/2024
		Signature	Date

REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

COMPLIANCE

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

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DEFINITIONS

Mental Health Clinician - 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, which may include a Psychiatric Provider, Social Worker, or Registered Nurse.

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 inmate/probationer/parolee 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 inmate/probationer/parolee. These preparation sessions may result in a single dialogue between the victim/survivor and the inmate with the facilitator present. VOD offers victims/survivors of crime an opportunity to meet with the inmate/probationer/parolee in a controlled environment, to direct questions to the inmate/probationer/parolee, and provides 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 inmate is currently incarcerated or on probation/parole; the term "victim/survivor" also includes the person's spouse, parent, child, sibling, or lawful representative of a deceased crime victim, or 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 inmate 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.

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

VOD Inmate/Probationer/Parolee - For purposes of this operating procedure, an individual currently serving a state sentence in a Virginia Department of Corrections facility and may include an individual under probation or parole supervision as approved on a case-by-case basis.

PURPOSE

This operating procedure establishes a process for an adult crime victim/survivor to meet with the inmate(s)/probationer(s)/parolee(s) who committed a crime against them or a family member. Whenever possible, the Virginia Department of Corrections (DOC) will accommodate such requests, subject to the conditions and restrictions of the DOC. The intent of this operating procedure is to provide guidance, consistency, and sensitivity in the Victim Offender Dialogue (VOD) process.

PROCEDURE

- I. Victim Offender Dialogue Program (5-ACI-5F-08; 4-ACRS-6D-01)
 - A. Requests for VOD will be initiated only by the victim/survivor and will not, under any circumstance, be initiated by an inmate/probationer/parolee.
 - B. The VOD program provides an opportunity for victims/survivors to meet with the inmate/probationer/parolee responsible for their victimization in a safe, secure, and confidential setting after thorough preparation, and with a properly trained facilitator.
 - C. Anchored in meeting the needs of the victim/survivor first, VOD is a victim-centered and inmate/probationer/parolee-sensitive process.
 - D. Initiation or approval of VOD does not guarantee any particular outcome, including that a face-to-face session will occur.
- II. General Conditions for VOD
 - A. The victim/survivor will contact the Victim Services Unit (VSU) to request a VOD. The request will be in writing, via either mail, fax, or email.
 - B. Only direct written requests from the victim/survivor will be considered.
 - C. All participants must be at least 18 years old.
 - D. The following conditions may prohibit an inmate from participation in the VOD process:
 1. A pending or prior stalking offense(s), unless approved by the VOD Committee.
 2. Inmates/Probationers/Parolees with outstanding legal issues or who are involved in current legal issues relating to their conviction or the victim/survivor; all Court orders will be reviewed to determine if a VOD is appropriate.
 3. 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.
 4. Conviction under Operating Procedure 861.1, *Inmate Discipline*, of any Category I Offense or a series of Category II Offenses.
 - E. Victim/Survivor and inmate/probationer/parolee participation in the dialogue process is strictly voluntary.
 - F. 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.
 - G. Victims/Survivors will be responsible for their own expenses associated with a VOD, unless otherwise authorized by the VSU.
 - H. Information provided in the VOD process, including personal identification of a victim/survivor or an inmate/probationer/parolee, will be kept confidential and used for internal reporting purposes only unless the information describes illegal or threatening activity.

III. Process for VOD

- A. The primary objective of the VOD process is to ensure an experience that protects against the risk of re-victimization.
- B. The VSU will review all requests for a VOD and submit the information to the VOD Committee.
 - 1. This committee serves as the official designee for the DOC Director.
 - 2. VSU staff or the VOD Coordinator will contact the Unit Head of the facility/P&P Office where the inmate is housed or is under probation/parole supervision to inform them of the victim/survivor request.
- C. The Unit Head or designee will contact the inmate/probationer/parolee 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.
 - 1. If the inmate/probationer/parolee agrees to participate, the facility's Senior Mental Health Clinician or designee will meet with the inmate to determine suitability for VOD. If there is no Senior Mental Health Clinician or designee on site, the Mental Health Clinical Supervisor will determine who will provide the information in accordance with Operating Procedure 730.2, *Mental Health and Wellness Services: Screening, Assessment, and Classification*.
 - 2. If the inmate/probationer/parolee declines participation or the facility information indicates the inmate/probationer/parolee is otherwise not appropriate, the facility contact person will notify the VSU, which will make appropriate notifications as necessary.
- D. The Unit Head will forward a recommendation to the VSU, based on the facility information, including but not limited to disciplinary reports and program participation.
- E. The victim/survivor should provide any additional information requested by the VSU, including but not limited to participation in counseling, survivor groups, and community-based support services.
- F. 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.
- G. The VSU will notify victims/survivors of the VOD Committee recommendation.
- H. The VSU will terminate the process if the victim/survivor or inmate/probationer/parolee decides at any point in the process that they do not wish to participate in the VOD.

IV. VOD Approval

- A. The DOC Director and the VOD Committee are the only authorities who can approve a VOD process.
- B. 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.
- C. If the VOD Committee determines that a victim/survivor and the inmate/probationer/parolee are appropriate candidates for the VOD process, the VOD Coordinator will:
 - 1. Notify the victim/survivor that the VOD process has been approved.
 - 2. Assign a trained facilitator to prepare the victim/survivor and the inmate/probationer/parolee for VOD.
 - 3. Notify the inmate's/probationer's/parolee's Facility Unit Head or Chief P&P Officer of the VOD approval and provide the name and contact information for the assigned facilitator.
- D. The facilitator will provide the facility contact with materials and explain the VOD process; the facility contact will notify the inmate/probationer/parolee.

V. Requirements for VOD

- A. If the inmate/probationer/parolee has not been convicted of the offense for which the victim/survivor is requesting a dialogue, the victim/survivor will be informed that verification (such as Deoxyribonucleic acid evidence) from law enforcement must be produced connecting the inmate/probationer/parolee to the crime before the request will be considered.
- B. VOD is intended for one victim/survivor to meet with one inmate/probationer/parolee. If multiple inmates/probationers/parolees 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.
- C. If an inmate/probationer/parolee refuses to admit responsibility for their role in the crime of record, the victim/survivor will be informed and can determine whether to proceed with the VOD process. Accordingly, any inmate/probationer/parolee considering participation is encouraged to seek legal advice prior to proceeding with participation.
- D. Termination of the VOD process will occur if the victim/survivor, inmate/probationer/parolee, facilitator, or DOC staff determines the motives, actions, or attitudes of either the victim/survivor or the inmate/probationer/parolee are considered dangerous, disruptive, or destructive to the physical or emotional safety of either party or to the process.
- E. Participation in the VOD process will not affect the inmate's/probationer's/parolee's facility assignment, sentence, classification, or release to the community.
- F. Inmates/Probationers/Parolees must have served at least five years or 50 percent of their sentence, whichever is less. The VOD Committee may approve a waiver of the time requirement on a case-by-case basis.
- G. VOD will not be considered for inmates or CCAP probationers/parolees who are within six months of their Good Time/Mandatory Release Date. VOD will not be considered for inmates who are in parole grant status. VOD will not be considered for probationers/parolees until they have been in the community for at least three months and are confirmed to be stable.
- H. The inmate's or CCAP probationer's/parolee's disciplinary record and pattern of adjustment will be reviewed throughout the process to determine if behavior is appropriate for continued participation in the VOD process. If, during the VOD process, additional disciplinary actions are taken, the VOD Coordinator must be notified as soon as possible.
- I. Sex offenders and cases involving domestic violence will be reviewed for VOD on a case-by-case basis. If considered appropriate, the VOD Committee may approve.
- J. The victim/survivor should sign a *Victim Release of Liability* 021_F1 relieving the DOC, 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.
- K. The inmate/probationer/parolee will be required to sign an *Inmate Release of Liability* 021_F2 relieving the DOC, 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.
- L. All parties involved in the VOD process must agree on the importance of confidentiality in the preparation for and during the dialogue session.
- M. No party may utilize documents, witnesses, or materials involved in the dialogue process for the purpose of any current or future Court action.
- N. While the VOD process is ongoing, all parties will refrain from communicating through 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.

VI. VOD Facilitators

- A. Whenever possible, the DOC will select VOD facilitators from the pool of pre-screened and trained staff who have applied to become facilitators.
- B. Based on information received during the preparation process, the facilitator may determine that a face-to-face VOD is not appropriate.
- C. 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/survivor or the inmate/probationer/parolee are considered disruptive or dangerous. This may include the potential for revenge, manipulation, coercion, or substantial risk of physical or emotional harm.
- D. The facilitator will make arrangements through the facility or P&P Office contact person for the date, time, and location for all meetings with the inmate/probationer/parolee.
- E. The facilitator will notify the Senior Mental Health Clinician or designee in advance of every inmate meeting to determine if the inmate/probationer/parolee needs services or has concerns with the VOD process.
- F. The facilitator will maintain regular contact with the victim/survivor to provide support, make referrals if necessary, and determine if they have concerns with the VOD process.
- G. The VOD Coordinator will report on the status of the VOD process every year. The report will include information gathered from victim/survivor and inmate/probationer/parolee follow up surveys.
- H. Facilitators and the VOD Coordinator must be familiar with and use the *VOD Preparation Process Manual*, which is located on iDOC under the Victim Services section.

VII. VOD Surveys

- A. The information gathered from the *VOD Surveys* will assist the VSU to monitor and improve the quality of services provided to crime victims and survivors.
- B. Participation in the survey is voluntary for both victim/survivor and inmate/probationer/parolee.
- C. Information provided in the survey, including personal identification of a victim/survivor or an inmate/probationer/parolee, will be kept confidential and used for internal reporting purposes only unless the information describes illegal or threatening activity.
- D. Inmates/Probationers/Parolees will be offered and asked to complete and return a *Victim Offender Dialogue Survey - Inmate Version 021_F4*
- E. Victims/Survivors 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 email as instructed.

REFERENCES

Operating Procedure 730.2, *Mental Health and Wellness Services: Screening, Assessment, and Classification*

Operating Procedure 861.1, *Inmate Discipline*

ATTACHMENTS

None

FORM CITATIONS

Victim Release of Liability 021_F1

Inmate Release of Liability 021_F2

Victim Offender Dialogue Survey - Victim Version 021_F3

Victim Offender Dialogue Survey - Inmate Version 021_F4

