

# **STATE OF IOWA DEPARTMENT OF CORRECTIONS**

## **POLICY AND PROCEDURES**

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### **1. PURPOSE**

To describe the restorative-justice-based services offered by the Iowa Department of Corrections' (IDOC) Office of Victim and Restorative Justice Program (OVRJP) to crime victims/survivors and those under the custody or supervision of the IDOC.

### **2. POLICY**

It is the policy of the IDOC to provide opportunities for victims or surviving family members of violent crime who request facilitated communication with the incarcerated individual or person under correctional supervision responsible for their victimization. The Office of Victim and Restorative Justice (OVRJP) will assess and determine the most appropriate form of facilitated communication.

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### **3. DEFINITIONS – As used in this document:**

- A. National VOD Standards - The 20 Essential Principles for Corrections-Based Victim-Centered Offender Dialogue Services as established by the National Association of Victim Assistance in Corrections (NAVAC) and published on the NAVAC website.
- B. Restorative Justice Principles - A set of principles that focus on reparation of the harm caused by criminal acts by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about and address their needs in the aftermath of the crime.
- C. Restorative Justice (RJ) or Victim Offender Dialogue (VOD) Facilitator - An individual trained in conducting Victim Restorative Justice-Based Services between victims/survivors and incarcerated individuals/persons under correctional supervision. Training for Victim Offender Dialogue facilitation must be specific to Victim Offender Dialogue.
- D. Restorative Justice-Based Services (RJ) - Options offered in which the victim/survivor and the incarcerated individual or person under correctional supervision of a violent crime engage in facilitated communication about the crime and the impact. Options include (1) letters or written questions submitted by the incarcerated individual/person under correctional supervision to the Apology Letter Bank. These services are guided by the principles of Restorative Justice and, specific to VOD, the National Victim Offender Dialogue (VOD) Standards.
- E. Support Person - A responsible adult whom the victim/survivor and the incarcerated individual or person under correctional supervision choose to attend (observe) the VOD process and/or a Dialogue. Support persons are subject to the approval of the OVRJP and the VOD Facilitator. A support person shall not be currently under the supervision or custody of the IDOC.
- F. Victim-Centered - Restorative Justice-based services provided through the OVRJP shall be considered only at the request of a victim/survivor, with the exception of the Apology Letter Bank.
- G. Victim/Survivor - A person who has suffered physical, emotional, or financial harm as the result of a public offense or a delinquent act committed in this state. A

victim/survivor may also include the immediate family members of a victim, members of a victim's household, and/or witnesses.

- H. Victim Offender Dialogue (VOD) - A facilitated in-person or virtual meeting between a victim/survivor and the incarcerated individual or person under correctional supervision who harmed them.
- I. See IDOC Policy **AD-GA-16** for additional Definitions.

## **4. PROCEDURES**

### **A. Facilitator Selection and Training**

1. Recruitment/Screening - The Office of Victim and Restorative Justice Programs (OVRJP) is responsible for the recruitment and selection of potential facilitators. Selection shall be made based upon current program needs, an approved background investigation of the applicant, and applicant's demonstrated skills, the completion of VOD training, and at least three professional recommendations.
2. Facilitator Training - The IDOC's OVRJP may provide training for new and existing facilitators. Potential facilitators may also be trained by other established VOD programs, the National Institute for Corrections (NIC), or by the National Association of Victim Assistance in Corrections (NAVAC) as approved by the OVRJP.
3. Maintaining Facilitator Status - Each facilitator shall be monitored by the OVRJP for quality work, ethical conduct and timely completion of assignments.
4. Termination of Facilitator Status - If it is found that a facilitator is not complying with the procedures outlined in this policy and/or any other VOD responsibilities, they may be removed from their role within the program.

## **B. Request Consideration**

1. Victim Initiated - It is the practice of the OVRJP to pursue RJ services requests that are initiated by victims/survivors. Any exception to this practice shall be at the discretion of the Director of the OVRJP.
2. Voluntary Participation - Participation of both victim/survivor and incarcerated individual or person under correctional supervision in RJ-based programs outlined in this policy is on a voluntary basis only. Any party, including the facilitator, may discontinue the process at any time.
3. Minors - The OVRJP may provide RJ-based services to minor victims/survivors only with the consent and involvement of the minor's parent/legal guardian. In addition, it is strongly encouraged to have a social worker or mental health provider involved, although not required in all cases. Minors and their parent/legal guardian must agree to and sign the *Participant Consent Form for Minors (IS-SS-03 F-6)*.
4. Incarcerated Individual/Person Under Correctional Supervision Responsibility - In order for an incarcerated individual or person under correctional supervision to participate in these RJ-based programs he or she must express some level of responsibility for the crime. Any exception to this shall be at the discretion of the Director of the OVRJP.
5. Incarcerated Individual/Person Under Correctional Supervision Status Participation by an incarcerated individual or person under correctional supervision in an RJ-based service is not intended to affect the incarcerated individual's or person under correctional supervision's status including decisions related to release from custody, post release control, or community supervision. If the incarcerated individual has pending appeals specific to the victim/survivor's case, it is not advisable to engage in a VOD. Exceptions are at the discretion of the Director of the OVRJP.
6. Date of the Offense - The length of time that has passed since the commission of the offense shall be considered when determining if a case shall move ahead with an RJ-based service. While there is no specific timeline that is outlined by this policy, it is expected that no case shall be pursued if the facilitator determines the time frame poses an impediment for the participants to engage in meaningful communication.
7. Support Person - The victim/survivor and the incarcerated individual or person under correctional supervision may be offered the option of having a support person involved. The support person may be part of preparation meetings

and/or a Dialogue itself. The support person shall only be an observer and the VOD facilitator must inform the person of their role. If the support person is disruptive to the VOD process, they may be escorted out of the session and taken to an appropriate location to await completion of the VOD.

8. Apology Letter Bank - Requests from incarcerated individuals or persons under correctional supervision to participate in an RJ-based service with a victim/survivor should normally be referred to the Apology Letter Bank. A correctional counselor or parole officer may submit the request via email, or the incarcerated individual or person under correctional supervision may send in written request to the OVRJP at the IDOC Central Office.

### **C. Managing Facilitated Communication**

1. The Director of the OVRJP shall review all victim/survivor requests for facilitated communication to determine which option best serves the needs presented, and shall also review all requests from incarcerated individuals or persons under correctional supervision for the Apology Letter Bank.
2. The options offered through the OVRJP include:
  - a) Victim/Survivor Letter
    1. Once received and reviewed for appropriateness, the Director of the OVRJP shall assign a Facilitator for review and approval of the victim/survivor's letter.
    2. The Facilitator shall review the case file to determine if there are any court orders that prohibit contact in the case. If so, the Facilitator shall discuss options with the victim/survivor to have the order modified to allow for such contact.
    3. The Facilitator shall make arrangements to present the written communication and, with the consent of the incarcerated individual or person under correctional supervision, will take notes to provide feedback to the victim/survivor. In addition, the incarcerated individual or person under correctional supervision may be given permission to provide a written response to the victim/survivor's letter. Such correspondence shall be mailed to the OVRJP at the IDOC's Central Office for review. The correspondence will then be mailed to the victim/survivor only with their consent.
  - b) Victim Offender Dialogue (VOD) - A facilitated in-person or virtual meeting conducted by a trained facilitator. See below for more detailed procedures.

- c) Apology Letter Bank - Incarcerated Individuals or persons under correctional supervision can request participation in the Apology Letter Bank.
- 1) Requestors will be provided with the Apology Letter Bank packet (**IS-SS-03 F-1**) and must follow the directions provided in the packet.
  - 2) Letters submitted will be reviewed by the OVRJP or designees.
  - 3) Approved letters will be submitted to the Apology Letter Bank. The incarcerated individual or person under correctional supervision may be notified of the status of their letter via kiosk or through an email to their correctional counselor or parole officer.
  - 4) One attempt will be made to contact the identified victim via mail, phone or email (**IS-SS-03 F-2**). Upon request of the victim/survivor, a copy of the letter will be mailed or emailed to the victim/survivor (**IS-SS-03 F-3**).
  - 5) All letters submitted to the Apology Letter Bank are the property of the Apology Letter Bank.

#### **D. Case Documentation**

1. Case Files - All intake and preparation packets, case notes, Dialogue documents, letters and emails specific to the RJ services provided via this policy shall be managed by the OVRJP. Dialogue case file shall consist of the *VOD Intake Form* (**IS-SS-03 F-4**), *Participants Consent Forms* (**IS-SS-03 F-5 or F-6**), and *Confidentiality Agreements* (**IS-SS-03 F-7**). All other case preparation notes or victim letters may be destroyed at the completion of the RJ-based service.
2. ICON Documentation - The facilitator shall document the incarcerated individual's or person under correctional supervision's participation in a VOD in the Offender Intervention section of ICON. Victim communication related to other RJ-based services shall be documented under Records/Alerts/Victim Confidential Comments depending on the type of service provided.
3. Confidentiality - Information shared by a victim/survivor as part of an RJ service shall be confidential and not considered public record. All parties involved in a VOD are subject to confidentiality as per the *Confidentiality Agreement* (**IS-SS-03 F-7**).

## E. Preparation for Dialogue

1. Case Assignment - Cases that have come to the attention of the OVRJP and meet the above pre-requisites shall be assigned to a trained facilitator to begin the preparation process. The Director of the OVRJP shall consider geographic and cultural needs, as well as facilitator experience, when matching a case with a facilitator. A *VOD Intake Form* (**IS-SS-03 F-4**) shall be prepared and provided to the facilitators.
2. Orientation and Preparation - Prior to the actual meeting between a victim/survivor and the incarcerated individual or person under correctional supervision, preparation sessions must be completed utilizing the VOD preparation packets (**IS-SS-03 F-8, F-9, and/or F-10**). Participation by a victim/survivor, the incarcerated individual or person under correctional supervision in the orientation or preparation phase of the VOD process does not guarantee, nor should it be presumed, that a face-to-face meeting between the parties will occur.
3. Mental Health Support - The VOD Facilitator may encourage the victim/survivor to engage in mental health counseling or therapy as part of their preparation process. While not required in all cases, it is strongly encouraged in cases involving sexual assault/abuse. If the victim/survivor refuses, the VOD Facilitator may provide the *VOD Guide for Mental Health Practitioners* (**IS-SS-03 F-11**) to the practitioner.
4. Documentation of Consent - In order to participate in the dialogue process, both victim/survivor and the incarcerated individual or person under correctional supervision must sign the *Participant Consent Form* (**IS-SS-03 F-5 or F-6**) relieving IDOC and the OVRJP of any liability, clarifying their understanding of the program, and confirming their participation is voluntary.
5. All participants involved in a VOD must agree to all security measures deemed appropriate by the Warden or Judicial District Director.
6. Dialogue Approval - It is the responsibility of the VOD Facilitator to make a final recommendation to the appropriate Warden or Judicial District Director to proceed and to receive their approval before conducting dialogue. If the Warden denies approval or requests special conditions for the setting of the dialogue, the VOD Facilitator shall immediately contact the Director of the OVRJP and the case shall be put on hold until the pertinent issues are resolved.
7. Adherence to National Standards - All VOD case management in the preparation phase shall follow the 20 Essential Principles for Corrections-Based Victim Services v. 2.0 Victim-Centered Victim Offender Dialogue (VOD as

published by the National Association of Victim Assistance in Corrections (NAVAC)).

## **F. Conducting the Dialogue**

1. Pre-Dialogue Preparations - The VOD Facilitator shall offer the victim/survivor the option of meeting in-person, or virtually utilizing an approved online platform. Limitations to confidentiality should be discussed when using a virtual platform. When the in-person option is chosen, the VOD Facilitator shall ensure the victim/survivor's understanding of the rules and regulations of an IDOC facility or District Office, provide the victim/survivor an opportunity to view the VOD room, and conduct other pre-VOD preparations to ensure the victim/survivor's comfort and sense of safety.
2. Media/Video/Audio-taping - Any visual or audio recording of VOD sessions shall be done only with the written approval of each participant, observer, and the VOD Facilitator. If media requests to be involved in the Dialogue process, in addition to the participant and facilitator approval, the IDOC institution and appropriate Public Information Officers must also agree with the involvement of the media. It is the responsibility of the VOD Facilitator to seek such approval through the Director of the OVRJP.
3. The VOD Meeting - The VOD Facilitator shall bring all participants together and review the guidelines for the meeting.
4. Break/Time Out - If any participant or the facilitator sees a need to take a break during the Dialogue, each side shall be separated and given time to decide either to continue the Dialogue or terminate the process.

## **G. Following the Dialogue**

1. VOD Surveys The VOD Facilitator shall provide the victim/survivor with a VOD Survey as a method of providing feedback about their experience and their evaluation of the program **(IS-SS-03 F-12)**. The VOD Facilitator shall also provide the incarcerated individual or person under correctional supervision with a similar *VOD Survey* **(IS-SS-03 F-13)**.
2. Follow-up – The VOD Facilitator shall conduct an immediate debriefing with the victim/survivor prior to departing after completion of the VOD with the consent of the victim/survivor. It is the responsibility of the VOD Facilitator to complete a follow-up visit with each of the participants within two months following the Dialogue, again with their consent.



3. Final Documentation Filing - The VOD Facilitator shall complete casefile documentation regarding each case in ICON as described in this policy. Any paper files shall be stored in a secure location that protects all parties' confidentiality, or scanned into a secure computer file.