

**CHAPTER: 500**

**Human Services**

**DEPARTMENT ORDER:**

**526 – Victim Services**

**OFFICE OF PRIMARY  
RESPONSIBILITY:**

**IPA**

# Arizona Department of Corrections Rehabilitation and Reentry



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**Department Order Manual**

**ACCESS**

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A handwritten signature in black ink, appearing to read "David Shinn", is written over a horizontal line.

David Shinn, Director

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## **EXPECTED PRACTICES** *[Revision – January 29, 2022]*

American Correctional Association (ACA) Expected Practices: 5-ACI-5F-07 and 5-ACI-5F-08

### **PURPOSE**

This Department Order establishes programs and services through the Department’s Office of Victim Services (Victim Services), which provides crime victims/survivors with mandated inmate release notifications, resources, and compassionate support throughout inmates’ incarceration and Community Supervision. Victim Services advocates change within the inmate population by illustrating the real impact of crime on victims through education, Victim-Offender Dialogues (VOD), and dedicated services to the community. This Department Order provides services to and advocates for Department employees who become victims of crime in the workplace.

### **APPLICABILITY**

This Department Order is applicable only to Victim Services and its responsibilities. For information relating to Domestic and Workplace Violence, Domestic Violence Convictions or Redaction of Personal Information see Department Order #523, Domestic and Workplace Violence.

### **RESPONSIBILITY**

Victim Services is responsible for providing all victim services which are required by law in a correctional setting and post-conviction setting. The Victim Services Administrator, VOD Program designee, and Lead Victim Advocate are responsible for coordinating and meeting with victim advocacy groups, individuals, and organizations to coordinate services and provide education/training about the programs/services offered by the Department.

### **PROCEDURES**

#### **1.0 VICTIM NOTIFICATIONS**

- 1.1 Victim Services will receive a Post-Conviction Notification Request (PCNR) form from the victim and/or prosecuting attorney’s office after a defendant has been sentenced.
  - 1.1.1 Within 30 calendar days of receiving a PCNR form, the Victim Services staff shall send the victim an acknowledgment of the PCNR form and a notice of the inmate’s earliest release date if the sentence exceeds six months. (Arizona Revised Statute (A.R.S.) §13-4413.1)
    - 1.1.1.1 The victim is responsible to fill out the PCNR form and send to the Department to request victims’ rights and to update his/her contact information if it changes before an inmate’s projected release date.
  - 1.1.2 Victims’ Right Not to Receive Mail (A.R.S. §13-4411.01) – Victims or members of the victim’s family or household have the right to request not to receive mail from an inmate on the PCNR form.

- 1.1.2.1 The Victim Services staff shall send a notice to the inmate, through the Warden’s office, indicating the victim, or members of the victim’s family or household have requested to not receive mail. The inmate shall sign the acknowledgement and a copy of signed notice shall be sent back to Victim Services.
  - 1.1.2.1.1 All staff adding notes in Arizona Correctional Information System (ACIS) shall only annotate victim(s) initials and not full names to protect the victim’s privacy. (A.R.S §13-4434, Victim’s Right to Privacy)
- 1.1.3 Victim’s Rights Requests – Only upon receipt of a victim’s request for post-conviction notice via a PCNR form, or verbal or written request, Victim Services shall provide a victim notification as follows:
  - 1.1.3.1 Inmate Release (A.R.S. §13-4413.2) - A generated notification letter of the inmate’s release shall be sent to the victim, at least 15 days in advance.
    - 1.1.3.1.1 As a courtesy, victims may be called on the day of inmate’s release.
  - 1.1.3.2 Inmate Death (A.R.S. §13-4413.3) – A generated notification letter of the inmate’s death shall be sent to the victim, within 15 days, and the victim shall be called prior to or on the day the letter is sent. If no victim(s) are opted-in, Victim Services may attempt to obtain additional victim(s) contact information from the prosecuting agency.
  - 1.1.3.3 Escape and Subsequent Re-Arrest (A.R.S. §13-4412.B) – A generated notification letter of the inmate’s escape and subsequent re-arrest shall be sent to victim(s) who have previously opted-in immediately and Victim Services shall make every reasonable attempt to contact the victim.
  - 1.1.3.4 Return to Custody (RTC) – A generated notification letter of the inmate’s return to custody shall be sent to victim(s) who have opted-in.
- 1.1.4 Courtesy Victim – Any person requesting services from Victim Services that shows good cause and is not the legal victim in the criminal case (such as, an individual who may have been a victim of a previous crime; however, they are not the victim of the case in which the inmate is currently serving a sentence) may be provided a notification in accordance with 1.1.3.1 through 1.1.3.4 of this section.
- 1.2 Upon outside agency request for safety considerations, Victim Services may send courtesy notification(s) to the appropriate agencies, which include the arresting agency, trial judge, and prosecuting attorney. The following notifications may be through letter or email:
  - 1.2.1 Notice of inmate release.
  - 1.2.2 Notice of inmate’s death.
  - 1.2.3 Immediate notice of escape and subsequent re-arrest.

1.3 Community Corrections – Upon an inmate’s release, a victim may have questions/concerns about inmate supervision through Community Corrections.

1.3.1 Upon request, the Victim Advocate may:

1.3.1.1 Inform the victim of the current Community Corrections Officer’s name and contact number.

1.3.1.2 Inform the Community Corrections Officer of pertinent victim related issues.

1.3.1.3 Provide the general vicinity of residence (zip code or city).

1.3.1.4 Provide a copy of the offender/parolee’s Terms and Conditions of release (A.R.S. §13-4407)

1.4 Interstate Compact – When there is a victim listed in the Arizona Correctional Information System (ACIS), the Interstate Compact Unit shall notify the Victim Advocate via email when an inmate has requested a transfer to a different state.

1.4.1 The Victim Advocate may:

1.4.1.1 Call the victim and ask for input with regard to the inmate’s interstate compact request.

1.4.1.2 Respond to the Interstate Compact Unit with the victim’s input.

1.4.1.3 Take the appropriate action to facilitate and respond to the victim’s concerns.

**2.0 HEARINGS/LEGAL PROCEEDINGS** – Although services by the Department’s Victim Services, are primarily in the post-conviction stage, support at any relevant legal proceeding, in addition to Arizona Board of Executive Clemency (ABOEC) Hearings, may be provided as needed/appropriate. Any specific requests, activities or procedures outside the provisions established in this Department Order must be approved by the Assistant Director for Information and Public Affairs, a Deputy Director or the Director.

2.1 Assistance may include, but is not limited to:

2.1.1 Providing the victim with general information about hearing and relevant victims’ rights.

2.1.2 Providing referrals or victim contact information to the appropriate agency that is responsible for notification.

2.1.3 Working with staff and other agencies to verify hearing dates.

2.1.4 Assisting with Victim Impact Statements.

2.1.5 Attending hearings with victim.

2.1.6 Providing emotional support.

2.2 Primary Hearings

- 2.2.1 Trial Proceedings – Victim Services may work with the Prosecutor’s Office Victim Advocates and prosecutors to provide services and coordinate however deemed appropriate.
- 2.2.2 Domestic Violence Proceedings – Victims may request additional support if a defendant disputes a protective order. If available, the Victim Advocate may coordinate with a court/legal advocate or facilitate legal representation.
- 2.2.3 Appellate/Post-Conviction Relief Proceeding – Due to the multiple avenues that may be available for offenders after sentencing, the Victim Services staff may work in conjunction with:
  - 2.2.3.1 The Arizona Attorney General’s Office of Victim Services to monitor appeals pending in the Arizona Court of Appeals, the Arizona Supreme Court, and the Federal Courts.
    - 2.2.3.1.1 Original prosecutor’s office to monitor Petitions for Post-Conviction Relief status and proceeding.
- 2.2.4 ABOEC Hearings
  - 2.2.4.1 Parole, Parole/Community Supervision Revocation Hearings, and Commutation and Reprieve Hearings are held by the ABOEC as inmates are deemed eligible. The Victim Services staff shall:
    - 2.2.4.1.1 Hand-deliver or email Victim Impact Statements to the ABOEC front office staff.
    - 2.2.4.1.2 Upon victim request, provide a waiting area for victims, prosecutors, victim supporters and ADCRR employees prior to hearings.
  - 2.2.4.2 The Victim Services Administrator or designee may prepare victims for the possibility of an ABOEC Commutation and Reprieve Hearing. The assistance may include, but is not limited to:
    - 2.2.4.2.1 Assisting the victim with a Victim Impact Statement.
    - 2.2.4.2.2 Explaining the hearing process and sentencing/release structure.
    - 2.2.4.2.3 Coordinating participation, as outlined in 2.2.4.1.1 and 2.2.4.1.2 of this section.
    - 2.2.4.2.4 Attending the hearing with the victim.
    - 2.2.4.2.5 Coordinating and facilitating prosecution from the convicting County Attorney’s Office.
    - 2.2.4.2.6 Coordinating and facilitating legal representation for the victim when appropriate.

### 3.0 VICTIM ASSISTANCE

#### 3.1 Restitution

- 3.1.1 Upon an inmate’s incarceration or release, a victim may have concerns/questions related to restitution. Upon request, the Victim Advocate may provide:

- 3.1.1.1 Information regarding automatic deduction process and the status of the restitution throughout incarceration.
- 3.1.1.2 Assistance with setup of the initial Restitution Order for collection.
  - 3.1.1.2.1 The Victim Advocate may contact prosecutor’s Office if restitution needs modification with a court.
- 3.1.1.3 An explanation of inmate banking and transfer of funds to the respective County Clerk’s Office.
- 3.1.1.4 A referral to the County Clerk’s Office for victim address updates and/or other restitution check distribution questions.
- 3.1.1.5 A referral to Community Corrections or Probation Officer if victim has remaining questions about restitution payments during supervision.
- 3.1.1.6 An explanation of Criminal Restitution Orders.
  - 3.1.1.6.1 The Victim Advocate may follow-up with the County Clerk, prosecutor’s Office or Community Corrections regarding filing of Criminal Restitution Orders if not filed.

## 3.2 Execution Assistance

- 3.2.1 Upon receipt of Warrant of Execution, the Victim Services Administrator or designee shall contact the Arizona Attorney General’s Office of Victim Services to obtain current victim contact information, in accordance with Department Order #710, Execution Procedures.
  - 3.2.1.1 Victim contact regarding the execution process shall be provided by the Department’s Victim Services; however, the Arizona Attorney General’s Office of Victim Services will notify the victims of the appellate activity.
- 3.2.2 The Victim Services Administrator or designee shall:
  - 3.2.2.1 Send an initial letter to the victims regarding the Warrant of Execution and gather victim attendance preference, in accordance with Department Order #710, Execution Procedures.
  - 3.2.2.2 After the execution process has been completed, send the victim a letter notification informing them of the outcome.
- 3.2.3 The Victim Services Administrator or designee may:
  - 3.2.3.1 Provide a general explanation of the execution process, along with any necessary emotional support.
  - 3.2.3.2 Prepare victims for the possibility of an ABOEC Commutation and Reprieve Hearing, as outlined in Section 1.0.
  - 3.2.3.3 Provide follow-up services as necessary.

3.3 Victim Services Web Page Link – A Web Page link shall be provided through the Department’s [internet website](#), which provides victims with information about victim-related materials, referrals, and activities.

3.4 Statewide 1-800 Number – A toll-free number for victims to access Victim Services during business hours shall be provided. Victim calls received after business hours will be routed to the Department’s voice mail to record messages. The Victim Services staff shall respond the next business day.

**4.0 VICTIM-OFFENDER DIALOGUE (VOD)** - The Department shall conduct a VOD program that provides an opportunity for eligible victims/survivors, at their request, to meet with an inmate face-to-face in a safe and secure environment with the assistance of a trained facilitator. {5-ACI-5F-08} [*Revision – January 29, 2022*]

4.1 If a face to face meeting is not available, alternate dialogue options including videoconference through virtual platforms, telephonic conference, letter exchange, facilitator-go-between or use of a surrogate may be considered.

4.2 VOD Process

4.2.1 The VOD process is strictly victim-initiated, victim-centered, and victim-driven. Under no circumstances will the VOD process be initiated by an inmate.

4.2.2 All requests for a VOD shall be assessed for appropriateness by the Victim Services VOD Program designee in consultation with the Victim Services Administrator and the Lead Victim Advocate.

4.2.3 Initiation, approval, and/or participation in a VOD do not guarantee any specific outcome, including the face-to-face dialogue.

4.3 VOD Eligibility Requirements

4.3.1 Victim Services shall only consider allowing a VOD at the victim’s/survivor’s request. If there is any indication that the request was initiated by anyone other than the victim/survivor (e.g., the inmate, the inmate’s representative, any criminal justice personnel, etc.), the request shall be denied.

4.3.1.1 The victim/survivor must be at least 18 years of age to request a VOD. The request must be initiated by a legally defined victim/survivor as set forth in A.R.S. §13-4401(19).

4.3.1.2 The inmate must be at least 18 years of age to participate in a VOD. The inmate must accept full responsibility for his/her part in the crime/victimizing behavior as determined by the VOD Facilitator(s) during the preparation phase.

4.3.1.3 If an inmate refuses to accept full responsibility for the crime of record, the victim/survivor shall be informed and may determine, in consultation with Victim Services staff, whether to proceed with the VOD process. Accordingly, any inmate considering participation in the VOD process is encouraged to seek legal advice prior to participation.

4.3.2 For both parties involved, the VOD process is completely voluntary and may be terminated at any time without consequences by the victim/survivor, inmate, facilitator, or any Department staff involved in the process. The VOD process may be terminated if the motives, actions, or attitudes of either the victim/survivor or the inmate are deemed to be dangerous, disruptive, or destructive to the physical safety or emotional well-being of either party or to the VOD process.



- 4.3.2.1 Participation in the VOD process will have no effect on the inmate’s housing assignment, sentence, classification, parole proceedings, or release to the community.
- 4.3.2.2 The VOD process is intended to prepare both parties for a one-time meeting between the victim/survivor and the inmate. If a VOD meeting takes place and the victim/survivor requests a follow-up meeting between the victim/survivor and the inmate, the request shall be taken under advisement by the Victim Services Administrator, VOD Program designee, and Lead Victim Advocate on a case by case basis. No guarantee shall be made to the victim/survivor of a follow-up meeting(s) with the inmate.

#### 4.4 VOD Procedures

- 4.4.1 The victim/survivor shall request a VOD through the VOD Program designee. After complete review of case information, the VOD Program designee shall contact the inmate’s Correctional Officer III, contracted mental health staff, and Warden/Deputy Warden to discuss the inmate’s status and eligibility.
- 4.4.2 If the inmate declines to participate or Department staff determines that the inmate is otherwise not an appropriate candidate for the VOD process, the VOD Program designee shall inform the victim/survivor.
- 4.4.3 Once the victim/survivor and the inmate have been approved for participation, both parties shall be required to read, sign, and submit a series of applicable documents to the VOD Program designee/Facilitator as follows:
  - 4.4.3.1 Acknowledgement of Victim-Offender Dialogue (VOD) Program Goals and Policies, Form 526-2; Participant Confidentiality Agreement, Form 526-3; and Participant Acknowledgement of Risks and Release of Liability, Form 526-4.
  - 4.4.3.2 Participant Request for Medical Records, Form 526-10, and Participant Authorization for Release of Protected Health Information, Form 526-11.
  - 4.4.3.3 Inmate Request for Medical Records, Form 526-12, and Inmate Authorization for Release of Protected Health Information, Form 526-13.
  - 4.4.3.4 Victim/Survivor Initial Assessment – Family Background Information, Form 526-6; and Victim/Survivor Questionnaire, Form 526-7.
  - 4.4.3.5 Inmate Initial Assessment – Family Background Information, Form 526-8; and Inmate Questionnaire, Form 526-9.
- 4.4.4 The VOD Program designee or assigned Facilitator shall initiate contact meetings with the victim/survivor and the inmate.
- 4.4.5 VOD case file documentation shall include the following:

- 4.4.5.1 Acknowledgement of Victim-Offender Dialogue (VOD) Program Goals and Policies, Form 526-2; Participant Confidentiality Agreement, Form 526-3; and Participant Acknowledgement of Risks and Release of Liability, Form 526-4.
- 4.4.5.2 Participant Request for Medical Records, Form 526-10, and Participant Authorization for Release of Protected Health Information, Form 526-11.
- 4.4.5.3 Inmate Request for Medical Records, Form 526-12, and Inmate Authorization for Release of Protected Health Information, Form 526-13.
- 4.4.5.4 Victim/Survivor Initial Assessment – Family Background Information, Form 526-6; and Victim/Survivor Questionnaire, Form 526-7.
- 4.4.5.5 Inmate Initial Assessment – Family Background Information, Form 526-8; and Inmate Questionnaire, Form 526-9.
- 4.4.5.6 VOD Program designee/Facilitator contact notes, to include relevant statistical information and documentation of services.
- 4.4.5.7 Case information (such the Pre-Sentence Report, ACIS report, miscellaneous correspondence, and any other relevant information).

## **5.0 INTER-DEPARTMENTAL SERVICES**

- 5.1 Victim Services may provide support services to Department employees who are crime victims, whether they are victims of workplace violence or not.
  - 5.1.1 When an employee is victimized during work, the Department Employee Victim Notification Request, Form 526-1, shall be provided to the employee for consideration. The Department Employee Victim Notification Request form must be filled out by the employee and returned to Victim Services to receive victim services support, such as:
    - 5.1.1.1 Notification regarding defendant’s release from confinement.
    - 5.1.1.2 Other resources/referrals for prosecutorial information, counseling, support services, explanation of a victim’s right to privileged conversation with an advocate, the criminal justice process, and victim compensation, etc.
  - 5.1.2 Victim Services may act as the legal representative for victim notifications from the prosecutor’s office when the Department is the legal entity in the case.
    - 5.1.2.1 The Victim Services Administrator or designee may maintain notifications and respond to requests from prosecutor’s office, such as obtaining restitution information or Victim Impact Statements.
  - 5.1.3 When employees are victimized outside of work, Victim Services may act as a resource or liaison to prosecutorial agents or other support services in the victim advocacy community.

5.1.4 For further information relating to employee assistance see Department Order #521, Employee Assistance Program and Department Order #523, Domestic and Workplace Violence.

5.2 Prison Rape Elimination Act of 2003 – Victim Services shall establish a contact list of victim advocates from a rape crisis center, a qualified staff member from a community-based organization, or a qualified Department employee. Efforts to secure services from rape crisis centers shall be documented.

5.2.1 Victim Services may act as a liaison between inmates and prosecutorial agents and may:

5.2.1.1 Arrange interviews with prosecutors or trial victim advocates.

5.2.1.2 Maintain notification about trial proceedings and facilitate the transfer of this information to the inmate.

5.3 The Victim Services Administrator or designee may distribute monthly victim services bulletins to Department employees, which provide pertinent victim-related topics.

5.4 Internship and Volunteer Program – Victim Services shall offer internship volunteer and volunteer VOD Facilitator opportunities for qualified applicants. Victim Services staff shall coordinate with applicable Colleges/Universities, volunteers and professionals. Interns/volunteers shall be supervised by the Victim Services Administrator, Lead Advocate or designee. (See Department Order #204, Volunteer Services.)

**6.0 LETTER CORRESPONDENCE** – Victims or inmates may contact Victim Services with a request to send a letter to the other party.

6.1 Victim Requests – A victim’s request to send a letter to an inmate shall be forwarded to the VOD Program designee or Facilitator, who shall then contact the victim to discuss options under the VOD Program. {5-ACI-5F-08} **[Revision – January 29, 2022]**

6.1.1 The Victim Services Administrator or designee may arrange with the prison facility to have a discussion with the inmate, about his/her options and provide appropriate support.

6.2 Inmate Requests – Inmate requests submitted to Victim Services using the Inmate Letter, Form 916-1, shall be reviewed by the Victim Services Administrator, Lead Advocate or designee and approved on a case by case basis.

**7.0 TRAINING** {5-ACI-5F-07} – Designated Victim Services’ staff are responsible for coordination of victims’ programs and that curriculum is established for providing training to staff involved with victims’ issues. At a minimum, this curriculum shall include the following topics: **[Revision – January 29, 2022: sections 7.0 thru 7.6]**

7.1 Specific services available to crime victims;

7.2 Changes in laws impacting victims;

7.3 Way(s) of gaining access to the services;

7.4 Confidentiality of victim information;

- 7.5 Way(s) for victims to communicate complaints and other concerns;
- 7.6 Program-evaluation measures, which include victim input regarding the effectiveness of services and ways for them to make suggestions regarding Department policies and practices intended to assist crime victims.

## **DEFINITIONS/GLOSSARY** *[Revision – January 29, 2022]*

Refer to the Glossary of Terms for the following:

- Criminal Restitution Order
- Post-Conviction Notification Request Forms
- Prison Rape Elimination Act (PREA) of 2003
- Restitution
- Victim
- Victim Advocate
- Victim Services Office

## **FORMS LIST**

- 526-1, Department Employee Victim Notification Request
- 526-2, Acknowledgement of Victim-Offender Dialogue (VOD) Program Goals and Policies
- 526-3, Participant Confidentiality Agreement
- 526-4, Participant Acknowledgement of Risks and Release of Liability
- 526-6, Victim/Survivor Initial Assessment – Family Background Information
- 526-7, Victim/Survivor Questionnaire
- 526-8, Inmate Initial Assessment – Family Background Information
- 526-9, Inmate Questionnaire
- 526-10, Participant Request for Medical Records
- 526-11, Participant Authorization for Release of Protected Health Information
- 526-12, Inmate Request for Medical Records
- 526-13, Inmate Authorization for Release of Protected Health Information

## **AUTHORITY**

- A.R.S. § 13-804, Restitution for Offense Causing Economic Loss; Fine for Reimbursement of Public Monies
- A.R.S. § 13-805, Jurisdiction
- A.R.S. § 13-4401, Definitions
- A.R.S. § 13-4405, Information Provided to Victim by Law Enforcement Agencies
- A.R.S. § 13-4411, Notice of Post-Conviction Review and Appellate Proceedings
- A.R.S. § 13-4412, Notice of Release or Escape
- A.R.S. § 13-4413, Notice of Prisoner’s Status
- A.R.S. § 13-4430, Consultation between Crime Victim Advocate and Victim; Privileged Information; Exception
- A.R.S. § 13-4434, Victim's Right to Privacy