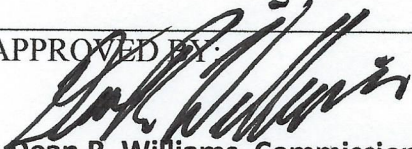


**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS**



POLICIES & PROCEDURES

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APPROVED BY:  Dean R. Williams, Commissioner		DATE: 06/27/18

ATTACHMENTS / FORMS:

- (A.) Victim Research And Notification Checklist.
- (B.) Victim Letter.
- (C.) Victim Impact Statement Form.
- (D.) Victim's Right To Notification.
- (E.) DOC Victim Notification Brochure.
- (F.) VINE Brochure.
- (G.) Victim Notification Of Sentencing Form.
- (H.) Victim's Comments To Court Form.
- (I.) Victim Notification Of Escape / Absconding / Return To Custody.
- (J.) Victim Notification Offender Photograph Form.
- (K.) Victim's Comments Form.
- (L.) Victim Notification Of Hearing Outcome / Release.
- (M.) Parole Board Victim Letter – Right To Appear.
- (N.) Duty To Warn Letter.
- (O.) Duty To Warn Crimes List.
- (P.) Victim Notification Of News Media Contact Form.

AUTHORITY / REFERENCES:

- 22 AAC 05.155 AS 33.05.010
- 22 AAC 05.321 AS 33.16.180
- 22 AAC 05.525 AS 33.30.011
- 22 AAC 20.277 AS 33.30.013
- AS 12.30.027 AS 33.30.021
- AS 12.55.088 AS 44.28.030
- AS 12.55.185 18 USC § 3771
- AS 12.61.010 DOC P&P 1208.16
- AS 12.61.050
- Health Insurance Portability And Accountability Act (HIPAA) 1996.
- Interstate Compact For Adult Offender Supervision (ICAOS) Rules.

POLICY:

- I. It is the policy of the Department of Corrections (DOC) to have in place procedures for notifying victims of their rights under the Crime Victim's Act, unless the victim has specifically requested that they not be notified.
- II. It is the policy of the Department of Corrections (DOC) that we will make reasonable efforts to contact victims who have requested notice and whom maintain current, valid contact information on file with the Department.

APPLICATION:

This policy and procedure will apply to all Department employees.

DEFINITIONS:

As used in this policy, the following definitions shall apply:

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Potential Victim:

Any person who may become included in the class of persons identified below as a “victim”. For example, if an offender makes threats against a specific Correctional Officer, Judge or witness while in custody, these individuals may be seen as potential victims.

Reasonable Effort / Search:

An effort made by a Departmental employee to locate and contact a victim of a current case using all effort put forth by a reasonable person, as well as all reasonable resources at their disposal.

Victim:

- A. A person against whom an offense has been perpetrated;
- B. One of the following, not the perpetrator, if the person specified in (A.) of this paragraph is a minor, incompetent, or incapacitated:
 - 1. An individual living in a spousal relationship with the person specified in (A.) of this paragraph; or
 - 2. A parent, adult child, guardian, or custodian of the person.
- C. One of the following, not the perpetrator, if the person specified in (A.) of this paragraph is deceased:
 - 1. A person living in a spousal relationship with the deceased before the deceased died;
 - 2. An adult child, parent, brother, sister, grandparent, or grandchild of the deceased;
 - 3. Any other interested person, as may be designated by a person having authority in law to do so.

Victim Information And Notification Everyday (VINE):

VINE is an anonymous and confidential victim notification system, established to automatically provide notification to a crime victim when there is a change of status of an offender. VINE is available 24-hours a day, seven (7) days a week. Victims may register to receive automated notifications and may also call a toll-free number and receive an inmate's current location and tentative release date, if sentenced.

PROCEDURES:

- I. Victim Identification / Contact Guidelines:
 - A. When attempting to identify and contact a victim, employees shall use the *Victim Research And Notification Checklist* (Attachment A) in order to aid their search and record that a reasonable effort at contact was made.
 - B. The results of any search / contact / contact attempt (including instances where no victim is found / contacted) shall be entered into the DOC offender management system so that the Victim’s Rights Notification screen is kept up-to-date.
 - C. The Department shall notify all victims that are associated with current cases even if cases were

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dismissed as a result of a global resolution / plea agreement. Victims listed in the DOC offender management system that have previously requested notification for inactive cases, need not be notified.

- D. Notification to victims currently under the age of 18 shall be directed to parents or legal guardians.
- E. A victim who has requested notification from the Department shall be notified, via the *Victim Letter* (Attachment B), that they will be required to maintain a current valid mailing address on file with the Department.

II. Initial Victim Contact:

A. Whenever a victim is initially identified and contacted by the Department they shall be sent the following documents via certified mail with signature of receipt requested:

1. *Victim Letter* (Attachment B);
2. *Victim Impact Statement Form* (Attachment C);
3. *Victim's Right To Notification* (Attachment D);
4. *DOC Victim Notification Brochure* (Attachment E); and
5. *VINE Brochure* (Attachment F).

B. The officer shall include the following information in the *Victim Letter* (Attachment B):

1. The victim is entitled to submit a written statement to the offender's sentencing court and the victim also may appear in court to present sworn or unsworn testimony at sentencing;
2. A request for information from the victim to include in the Pre-Sentence Report (PSR); and
3. Inform the victim of their notification rights with regard to an offenders release or escape from custody and their right to receive a photograph of the offender when released from custody.

C. Initial Victim Contact And The PSR:

To the extent the information is available and the *Victim's Right To Notification* (Attachment D) and the *Victim Impact Statement Form* (Attachment C) have been returned by the victim, the PSR writer should include the following specific information regarding victims in the PSR:

1. On the face sheet of the report, the PSR writer must indicate if a victim desires notification or not; and
2. In the Present Offense section or Victim Impact Statement section of the report, the PO shall include an explanation of the nature and extent of physical, psychological, or emotional harm or trauma and financial harm suffered by victims.

III. Notification Of Victims:

A. Victim notification (after initial contact) may be prepared and sent via electronic mail (with a read receipt requested), regular mail or hand delivery. If the notification is time sensitive, the victim(s) shall be contacted by telephone as well:

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1. When using regular mail, the officer preparing the notification shall make a copy of the outside of the outgoing stamped and sealed envelope as 'proof of mailing'. This copy shall be filed for reference.
 2. In situations where e-mail (with a read receipt requested), hand delivery or regular mail may not be a reliable and sufficient means of contact, certified / return receipt mail may be used with supervisor approval.
- B. Every time a victim(s) of a current case is contacted the Case Update screen and the Victim module in the DOC offender management system shall also be updated, to include the method of notification used to contact the victim(s).
- C. All DOC employees shall ensure the victim notification information is entered into the DOC offender management system, to include those who did not request notification.
- D. Pretrial Domestic Violence (DV) Release:
In pretrial domestic violence cases, when an offender is released from a correctional facility, the correctional facility shall notify the prosecuting authorities of an offender's release so that the prosecuting authorities can make a reasonable effort to immediately notify the alleged victim(s) of the release.
- E. Post Sentencing Notification:
The Department shall notify the victim(s) of the current case(s) within 30 days after sentencing an offender, provide the victim of a crime information of the earliest dates the offender could be released on furlough, probation, or parole, including deductions or reductions for good time or other good conduct incentives, and the process for release, including contact information for the decision making bodies. Employees shall use the *Victim Notification Of Sentencing Form* (Attachment G) in order to notify a victim(s).
- F. Sentence Modification:
If a motion is filed to modify or reduce a sentence by an offender who perpetrated a crime against a person or arson in the first degree, the court shall, if feasible, send a copy of the motion to the Department sufficiently in advance of any scheduled hearing or briefing deadline to enable the Department to notify the victim of that crime. If the victim has earlier requested to be notified, the Department shall send the victim a copy of the motion and inform the victim of their rights, the deadline for receipt of written comments, the hearing date, and the Courts address. Employees shall use the *Victim's Comments To Court Form* (Attachment H); in order to notify a victim(s).
- G. Notice Upon Escape And Subsequent Return To Custody:
The following steps must be taken by DOC staff if an offender escapes from incarceration:
1. When notifying law enforcement of an offender's escape (DOC P&P 1208.16, Institutional Emergency Plan), they are to be advised of any victim(s) listed on the Victim's Rights Notification screen of the DOC offender management system;
 2. If a victim(s) is listed on the Victim's Rights Notification screen and has requested notification, an

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attempt will be made to contact the victim(s) by telephone and / or e-mail. The victim(s) will be informed of the following information:

- a. The date and time of the offender's escape;
 - b. The geographic area the offender escaped from;
 - c. Any other pertinent information regarding the escape that could directly impact the victim's safety / wellbeing; and
 - d. The victim(s) should also be notified that the most recent photograph of the offender can be provided to them, for their personal use, if they request it. The victim must be advised that they are prohibited from making copies of the photograph for distribution to others.
3. In the event the victim(s) cannot be reached by telephone and / or e-mail, a *Victim Notification of Escape / Absconding / Return To Custody* (Attachment I) will be promptly sent to the victim(s) by mail.
 4. Use the *Victim Notification Offender Photograph Form* (Attachment J) for sending photographs to victims that request a photograph and note on the outside of the envelope that a photograph is enclosed.
 5. When the offender is returned to custody the victim(s) will be contacted to advise them of the date and time of return to custody. In the event the victim(s) cannot be reached by telephone and / or e-mail, a *Victim Notification of Escape / Absconding / Return To Custody* (Attachment I) will be promptly sent to the victim(s) by mail.
 6. Contact shall be documented in accordance with Procedures section III, A., B. and C. above.

H. Pre-Release Furlough Or Sentenced Electronic Monitoring Consideration:

1. If a victim(s) of the offender's current case(s) desires notification, a *Victim's Comments Form* (Attachment K) shall be prepared and distributed no less than 30 days prior to any final determination on a pre-release furlough or electronic monitoring request.
2. The victim's comments shall be considered when determining whether to grant a pre-release furlough or electronic monitoring placement.
3. Notification of the outcome of the pre-release furlough and electronic monitoring decision shall be sent to the victim(s) on a *Victim Notification of Hearing Outcome / Release* (Attachment L) according to the following time lines:
 - a. If the pre-release furlough or electronic monitoring placement has been denied, notification shall be sent to the victim no later than 30 days after the decision has been made; or
 - b. If the pre-release furlough or electronic monitoring placement has been granted, notification shall take place according to Procedures section III, A. B. and C. of this policy above.

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I. Community Residential Center (CRC) Placement:

1. At least 30 days prior (or as soon as possible if less than 30 days prior) to the placement of an offender in a CRC the supervising PO shall notify the victim(s) using the *Victim Notification Of Hearing Outcome / Release* (Attachment L).
2. The notification shall include the location of the CRC.

J. Discretionary / Special Medical / Geriatric Parole:

1. The following information shall be sent to the victim(s) by the IPO 45 days (but not less than 30 days) prior to a scheduled hearing:
 - a. *Parole Board Victim Letter – Right To Appear*. (Attachment M.)
 - b. The offender’s expected date of release;
 - c. The offender’s expected geographic area of release;
 - d. A copy of the offender’s plan for parole (without residence or employment addresses);
 - e. A copy of the information listed below that the IPO provided to the judge, District Attorney (DA) and Police Department:
 - i. The offender’s disciplinary / classification actions;
 - ii. The offender’s program involvement / completion; and
 - iii. The offender’s work assignments.

Note: Any information released must comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996, and certain information may be removed or redacted from documents in order to comply.

2. If the victim(s) wishes to appear at the parole hearing, they must notify the Superintendent (or their designee) of the offender’s institution at least five (5) days prior to the date of hearing; and
3. If the victim(s) wishes to bring a support person (family member, Office of Victim’s Rights (OVR) staff, victim’s advocate, etc.) to the hearing, they must contact the Executive Director of the Parole Board and secure approval prior to the hearing. The support person must also be approved by the Superintendent (or their designee).
4. IPOs will make a reasonable effort to identify and notify a victim(s) of the case before the Parole Board (unless the victim specifically does not request notification in the Victim’s Rights Notification screen of the DOC offender management system); however, the absence of information and notification must be noted in the Parole Progress Report to the Parole Board.
5. In a global resolution / plea agreement case, the IPO shall make a reasonable effort to identify and notify all victim(s) of the current case, unless the victim(s) specifically requested not to be notified.
6. When victim(s) contact is not successful, the IPO shall note in the DOC offender management system

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all efforts that were made to contact the victim(s), and if the whereabouts of a victim(s) are unknown.

7. Comments received from a victim(s) shall be provided to the Parole Board for consideration if received prior to the Parole Board hearing. If no comments are received prior to the hearing this shall be noted in the DOC offender management system.
8. The offender shall be provided with a copy of the victim's comments consistent with AS 33.16.170(b) as determined by the Parole Board. However, the offender shall never be given a victim's address or contact information.
9. Notification of the outcome of the Parole Board hearing shall be relayed to the victim(s) no later than five (5) working days after the hearing's conclusion. Notification may be made via certified mail, electronic mail (with a read receipt requested) or telephone. If the victim(s) requests notification in writing a *Victim Notification Of Hearing Outcome / Release* (Attachment L) may be used.
10. A copy of any comments received from the victim and / or the *Victim Notification Of Hearing Outcome / Release* (Attachment L) (if mailed out) shall be placed in the offender's case record for documentation.

K. Notice Prior To Release From Incarceration / Duty To Warn:

The following steps shall be taken by DOC staff 30 days prior to the release of all sentenced offenders, including early release such as a commutation and release to probation / parole:

1. Release from Incarceration:

- a. Institutional staff shall send a *Victim Notification of Hearing Outcome / Release* (Attachment L) to the offender's victim(s);
- b. If requested victims shall also be sent a *Victim Notification Offender Photograph Form* (Attachment J);
- c. A copy of the completed *Victim Notification of Hearing Outcome / Release* (Attachment L) shall be placed in the offender's case record for documentation.

2. Release to Probation or Parole / Duty to Warn:

- a. The IPO shall review the case record and ensure that in cases where there is an identifiable victim(s), they are entered into the DOC offender management system. The victim(s) shall be sent a copy of the *Victim's Notification Of Hearing Outcome / Release* (Attachment L).
- b. At least 30 days prior to an offender's initial release to probation / parole supervision the IPO will prepare a *Duty To Warn Letter* (Attachment N) based on the *Duty To Warn Crimes List* (Attachment O).

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- c. If notice cannot be made by the IPO due to exigent circumstances, the field PO shall issue the *Duty To Warn Letter* (Attachment N) within 24 hours of the offender's initial release to supervision.
- d. The *Duty To Warn Letter* (Attachment N) shall also be sent to local law enforcement in situations where the offender is to be under supervision in an urban area. In situations where the offender is to be under supervision in a rural area, the letter shall be sent to the village tribal council, Village Public Safety Officer (VPSO), city office or other local agencies as appropriate.
- e. The letter shall be hand-delivered, sent via mail, fax or e-mail (with a read receipt requested) and shall include:
 - i. The offender's release date;
 - ii. The offender's city of residence;
 - iii. A copy of the offender's conditions of probation / parole;
 - iv. A summary of the offender's adult criminal history (can be taken from the current Pre-Sentence Investigation); and
 - v. Contact information for the supervising probation / parole office.

L. Potential Victim(s) Notification:

- 1. At least 30 days prior to release, institutional staff shall review the case record of sentenced offenders to determine if, based on the offender's criminal history, institutional record, and threats, any person(s) is an identifiable potential victim(s).
- 2. If a potential victim(s) is identified, institutional staff shall consider the objectives of rehabilitation and rights of the offender against the gravity of the potential threat in determining whether to issue a warning. If the process dictates a warning, institutional staff shall attempt to notify potential victim(s). If victim is a minor, contact parents or legal guardian prior to the offender's release, as well as appropriate law enforcement authorities when necessary.
- 3. If a potential victim(s) is identified, institutional staff shall send out a *Duty To Warn Letter* (Attachment N) to potential victims as appropriate.

M. Early Termination of Probation / Parole:

If early termination from probation / parole is proposed (DOC P&P 902.10), and the victim in the current case has previously requested to be notified, notification shall be made at least 60 days prior to the submission of the early termination paperwork to the Court or Parole Board. Victims shall be sent a copy of the *Victim's Comments Form* (Attachment K) and shall be notified of their opportunity to provide input at the Court or Parole Board hearing.

N. Travel Permits:

If victim requests notification when an offender is traveling to a certain location (i.e. where the victim

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resides), the victim(s) shall be notified by telephone and / or email (with a read receipt requested) of the intended method, dates, and purpose of travel.

O. Transfer Of Probation And / Or Parole Supervision To Another State Or US Territory:

1. At least 30 days prior to any final determination on the transfer of probation and / or parole supervision to another state or US territory, the victim(s) in the offender's current case(s) shall be contacted via the *Victim's Comments Form* (Attachment K) and notified per the Interstate Compact for Adult Offender Supervision (ICAOS) Rules 3.108 and 3.108-1.
2. The Alaska Interstate Compact Office shall respond to the victim(s) within ten (10) working days following receipt of the *Victim's Comments Form* (Attachment K), indicating how the victim's concerns will be addressed when transferring probation / parole supervision of the offender.
3. In accordance with ICAOS Rule 3.108 the Alaska Interstate Compact Office shall notify the victim(s), upon notification from the receiving state or US Territory when the offender:
 - a. Commits a significant violation;
 - b. Changes address;
 - c. Returns to the sending state where an offender's victim resides;
 - d. Departs the receiving state under an approved plan of supervision in a subsequent receiving state; or
 - e. Is issued a temporary travel permit where supervision of the offender has been designated a victim sensitive matter.

P. Notice Of Media Interview:

When it is feasible and practical to do so, the following steps shall be taken by institutional staff as soon as they are notified a prisoner is to be interviewed by a member of the news media:

1. Any victims listed on the Victim's Rights Notification screen of the DOC offender management system notification screen that have requested notification in the event of a media interview, are to be contacted.
2. Employees shall use the *Victim Notification Of News Media Contact Form* (Attachment P).
3. If the interview is scheduled to take place within the ten (10) working days after staff become aware of the interview, the victim(s) should be contacted by telephone first, then by e-mail and then by regular mail.
4. Any contact (whether successful or unsuccessful) shall be recorded in the DOC offender management system.

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