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| Idaho Department of Correction  | Standard Operating Procedure | Victim Services | | Page: 1 of 8 |
| | | Control Number: 102.02.01.001 | Version: 1.0 | Adopted: 12/28/2020 |

Bree Derrick, deputy director, approved this document on 12/28/2020.

Open to the public: ☒ Yes

SCOPE

This standard operating procedure (SOP) applies to all Idaho Department of Correction (IDOC) staff involved as victim service liaisons.

| Revision Summary |
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| Revision date (<u>12/28/2020</u>): This is a new document that describes the victim services provided by the Idaho Department of Correction's victim services coordinator. |

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BOARD OF CORRECTION IDAPA RULE NUMBER 06.01.01.105

Victim Notification

POLICY CONTROL NUMBER 102

Victim Services

PURPOSE

The purpose of this SOP is to establish procedures for victim services and victim notifications to comply with [Idaho Code §19-5306\(1\)\(j\)](#) and [§19-5306\(3\)](#) and IDOC policy to notify crime victims of a resident's full-term release date (the date of release from IDOC custody after satisfaction of sentence), escape, or death while in IDOC custody.

RESPONSIBILITY

Deputy Director

The deputy director of IDOC is responsible for implementing this SOP.

Prison Rape Elimination Act (PREA) Coordinator

The PREA coordinator is responsible for:

- Hiring and supervising the victim services coordinator (VSC).
- Ensuring that the processes in this SOP are followed.

Victim Services Coordinator (VSC)

The VSC in partnership with the Commission of Pardons and Parole is responsible for:

- Providing services to victims of current crimes of conviction.
- Retaining and managing confidential files consisting of no contact orders, victim contact information, and resident's release information.

STANDARD PROCEDURES

1. Victim Services Overview

The Idaho Constitution and Idaho law grants crime victims the right to be treated with fairness, respect, dignity, and privacy throughout the criminal justice process, as well as the right to information about the sentence, incarceration and release from custody of the person who victimized them. IDOC fulfills these obligations primarily through the VSC, who also works to maintain the confidentiality of protected and sensitive information regarding the victim and the resident.

Required Victim Services

Required victim services include:

- Notifications for designated events related to the resident, such as release from physical custody, escape, and death.
- Ensuring court orders pertaining to victims are enforced.

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Supportive Victim Services

Supportive services are provided as requested. These include custody status information and referrals for resource information regarding violations of no contact orders, counseling services, or legal support.

2. Victim Registration

“Victim,” for purposes of this SOP, is an individual who has suffered direct or threatened physical, financial or emotional harm as the result of the *conviction of a crime for which an individual is serving time in IDOC custody*. The court may designate a representative for a deceased, incapacitated or minor victim.

“Victims of record” or “registered victims” are victims who have elected to receive notifications pursuant to Idaho Code, § 19-5306.

Victims must elect to receive notifications by completing a written request on a form provided by the prosecuting attorney, which should then be given to the clerk of the district court. Victims may also submit or update their contact information by contacting victim services with the Idaho Department of Correction at prisonvictimservices@idoc.idaho.gov or with the Commission of Pardons and Parole at parolevictimservices@idoc.idaho.gov.

3. Confidentiality

IDOC is serious about protecting victims’ personal and private information. Information contained in the victim notification form filed with a clerk of the court is exempt from disclosure under the Idaho Public Records Act and will not be released to the public. Under Board of Correction Administrative Rule 108, a record containing identifying information of any victim is exempt from disclosure and subject to redaction. Unless ordered by a court of competent jurisdiction, IDOC will not release victim information to anyone. Access to victim information is limited to the PREA coordinator, the VSC, and designees approved by the PREA coordinator.

Victim information includes:

- Current and former names
- Past and present telephone numbers, physical addresses, mailing and email addresses
- Date of birth
- Any other personal identifying information defined by Idaho law.

IDOC must provide victims with services in accordance with state law, without victims fearing that the resident will have access to information about those victims exercising their rights. Therefore, residents will not be made aware of victim requests or be provided victim information.

4. No Contact Orders and Civil Protection Orders

To ensure victims are protected, the VSC receives, researches, and sets notifications as appropriate, and follows-up on potential violations of No Contact Orders (NCO) and Protection Orders (PO).

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NCO/PO information is only to be used for protection of the named parties and to hold the individual accountable for abiding by the order while in IDOC custody. Personal information included in the NCO/PO is kept strictly confidential and will not be released to the general public.

The district court, prosecutor's office, sentencing specialists, classification clerks and facilities should forward NCOs/POs to the VSC for verification and entry. The VSC may research if the crime indicates there is a potential victim or NCO issued.

The VSC will enter a 'safety caution' in the electronic resident record when there is an NCO between individuals incarcerated at IDOC.

5. Internal Administration No Contact Orders

An Idaho Department of Correction No Contact Order ([IDOC-NCO](#)), (more accurately - a non-judicial, but direct order to stay away/refrain from contact) may be issued when there has been a complaint of, or harassment by, a resident toward another person, including members of the community, after all other efforts have failed to stop contact.

While the requestor can be the victim of the crime of conviction, it is not a requirement for the issuance of an IDOC-NCO.

An investigation and issuance of an IDOC-NCO should be referred to the facility investigator, who will forward any findings to the VSC to be entered and saved after it is served.

- By design, the administrative IDOC-NCO does not carry the same weight as a court ordered NCO or PO in terms of criminal charges for violations.
- Violations of the IDOC-NCO are an administrative process which may result in disciplinary sanctions.

When appropriate, refer the complainant to law enforcement for reporting and community resources for guidance.

Administrative NCOs will be granted on a case-by-case basis and should be thoroughly investigated, based on the current evidence at hand, before being granted. IDOC-NCOs must remain in place for a minimum of six months.

6. Victim Information Management

When registered victim contact information is received, the VSC or designee will activate the victim notification alert in the electronic resident record.

When the notification is active, the VSC is required to attempt contact with the registered victim of the crime of conviction in the event of a status change as listed in Section 7 below.

IDOC is not required by statute to notify a party of an NCO/PO, of events such as release, escape or death, if they are not the victim of the crime for which an individual is incarcerated at IDOC.

The victim alert can be deactivated if the resident is no longer serving time for a crime that has a registered victim.

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Only the VSC or designee can activate or deactivate the victim notification alert in the electronic resident record.

Note: Updates to victim contact information should be sent to victim services at: prisonvictimservices@idoc.idaho.gov or parolevictimservices@idoc.idaho.gov.

7. Notifications

The VSC will attempt direct notification to registered victims when any of the following occur:

- Full-term release
- Escape
- Death

Notification attempts are typically made through U.S. mail for full-term releases. Escape and death notification attempts are made by phone if possible; if not possible, notification is attempted by U.S. mail. Notification can be made via email if that is preferred by the victim.

The VSC performs due diligence to locate current contact information for registered victims to include researching agency records, contacting courts, and accessing law enforcement resources to locate victims.

Notification correspondence will be retained for a period of 3 years past the satisfaction date of the sentence for which it was processed.

Crimes for which there are typically victims include domestic violence, sex offenses, assault or battery. Even if the alert is not activated or there is not an NCO/PO on file, there should be an attempt to identify and notify the victim.

Note: When researching victims for the purpose of notification, the VSC must keep in mind that there is not always an NCO for a victim and not all victims may be included on an NCO. Furthermore, a party named in an NCO/PO is not always the victim of the crime of conviction.

Release from Physical Custody

The VSC provides prior notification of a resident's upcoming full-term release date (FTRD) to registered victims of the crime for which the individual is releasing from IDOC custody. This is accomplished by doing the following:

- The sentencing unit in the records department provides a copy of the sentence discharge roster to the VSC before the first of the month for all residents reaching their FTRD the following month (example: before January 1st for those releasing the month of February).
- Before the 10th of the month, the VSC will mail standardized FTRD letters to registered victims at the last known address on file (example: before January 10th, letters will be mailed for those being released in the month of February).

The VSC will keep a log of all residents who are being released and will track letters sent to addresses that were returned or undeliverable.

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Escape

In the event that a resident with a victim alert escapes from IDOC custody, the shift commander or administrative duty officer will make verbal or electronic contact with the VSC as soon as possible.

The VSC will provide timely notification of the escape to the victim by phone. If contact cannot be made by phone, the VSC may use the resources of outside law enforcement agencies to notify the victim.

In the event of an escape of an individual with a victim alert, only the VSC is authorized to release confidential victim information to outside law enforcement agencies, and then only if the release of information would aid in the protection of the victim.

Notification will also be made once the escapee is back in custody.

Notification attempts will be documented.

Death

The IDOC VSC or designee will monitor the 105 Incident Notification Reports for deaths occurring in IDOC correctional facilities.

When a death occurs while in IDOC custody, the VSC or designee will determine if the deceased had victims who requested notifications. If so, the IDOC VSC will notify the victim as soon as possible by phone, preferably within 24 hours. If unable to notify by phone, the VSC will mail a standardized letter through U.S. mail to the last known address on file.

Notification attempts will be documented.

The VSC will perform a monthly check with facilities with specialized medical units to ensure appropriate victim information contacts are in place for those in hospice.

8. Interstate Compact

When a resident applies to serve probation or parole out of state, it is called interstate compact. If there is a victim alert, the interstate compact office will send the VSC notification of where the individual is requesting to be supervised. If the individual is releasing to probation, the IDOC VSC will attempt to notify the registered victim with a standard letter via U.S. mail. If the individual is releasing to parole, the Idaho Commission of Pardons and Parole Victim Coordinator will make the notification.

The VSC will keep a log of individuals requesting interstate compact and letters sent or returned or undeliverable.

9. Internal Information Requests

Community Reentry Centers (CRCs) and work camps are in-custody facilities with community work opportunities.

Facility managers will request information from the VSC when considering placement of a resident with a victim notification alert or a crime that likely has a victim. The placement decision will be the sole responsibility of the facility manager, however, the manager will consider factors that mitigate risk to victims when making placement decisions. No

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confidential victim information will be shared with either the facility manager or the resident.

10. Location Information of Residents

Movement of residents between IDOC facilities is common.

IDOC offers residents' current location information through an external website as well as victim services. This search feature is located at www.idoc.idaho.gov.

An automated system called Victim Notification and Information Everyday (VINE) is available to anyone who wants to receive automatic move notifications for a resident. VINELINK services offer basic information and 24-hour assistance.

- VINELINK.com
- 1-866-277-7477 (option 2)
- VINELINK mobile app

The VSC assists individuals by answering basic questions pertaining to facility types, movement of residents, and assists with VINE registration during normal business hours. The direct email for victim questions is: prisonvictimservices@idoc.idaho.gov.

The VSC will monitor and resolve issues specific to IDOC-VINE notifications.

11. Services and Notifications by Entities Other Than IDOC Victim Services

IDOC victim services partners with the Idaho Commission of Pardons and Parole and works closely with victim coordinators from county courts and prosecutor's offices to ensure registered victims receive appropriate notifications from the most direct source. The list below is provided for informational purposes and describes various notifications provided by agencies other than the IDOC victim services department.

- Idaho Commission of Pardons and Parole:
 - 1) Release to parole
 - 2) Commutation of sentences
 - 3) Pardons
 - 4) Upcoming parole hearings
 - 5) Parole victim service email: parolevictimservices@idoc.idaho.gov
- County courts and prosecutors:
 - 1) *Pre-conviction* services and notifications
 - 2) Release from retained jurisdiction to probation
 - 3) Restitution
 - 4) Email for each county service is specific to that county

The VSC will confer with outside entities when necessary for performing the duties of victim services.

DEFINITIONS

Electronic resident record: The computer application system used to manage resident records.

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Full-term Release: A resident's release from IDOC custody after their sentence is satisfied without the benefit of parole and therefore are no longer under IDOC supervision.

Intimidation or Harassment: Any contact by an individual incarcerated by the IDOC against any person that causes that person to feel threatened, to fear for his or her safety, or to suffer emotional trauma resulting from the unwanted contact.

REFERENCES

[IDOC NCO form](#)

Standard Operating Procedure [507.02.01.002](#), *Escape/Walk-away Response*

Standard Operating Procedure [312.02.01.001](#), *Death of an Inmate*

Standard Operating Procedure, [704.04.02.001](#), *Interstate Compact Agreement*

Office of the Attorney General, Idaho Manual on the Rights of Victims of Crime, July 2004

[Idaho Constitution Article I, section 22, Rights of Crime Victims](#)

[Idaho Code § 19-5306](#), Rights of Victims During Investigation, Prosecution and Disposition of the Crime

Board of Correction Administrative Rule 108

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