

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
OFFICE OF VICTIM AND SURVIVOR RIGHTS AND SERVICES

# **VICTIM OFFENDER DIALOGUE (VOD) PROGRAM OPERATIONAL GUIDELINES**



# **VICTIM OFFENDER DIALOGUE PROGRAM OPERATIONAL GUIDELINES**

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## **OVERVIEW**

The Victim-Offender Dialogue (VOD) is a victim-centered, offender-sensitive facilitated preparation and dialogue process typically involving victim(s)/survivor(s)/next of kin, an offender and a volunteer facilitator. The Office of Victim and Survivor Rights and Services (OVSRS) within the California Department of Corrections and Rehabilitation (CDCR) oversees the VOD process. All preparation and dialogue work involving the facilitator, victim(s)/ survivor(s)/next of kin, offender, and the institution must adhere strictly to the established policy, purpose, content, and protocols of the VOD program. VOD is not intended to have any bearing on the participating offender's status in the judicial, appellate, pardon/commutation, parole or corrections system.

### **I. APPLICABILITY**

These guidelines apply to all of the CDCR staff involved in coordinating or facilitating the VOD and all facilitators conducting the VOD with offenders under the jurisdiction of the CDCR.

### **II. GOALS**

- A. To support personal justice and healing by empowering victim(s)/survivor(s)/next of kin to meet with the offender in a safe and secure environment and address the personal impacts of violent crimes.
- B. To conduct a series of separate preparation sessions over the course of several months, culminating in a single facilitated dialogue between the victim(s)/survivor(s)/next of kin and the offender.
- C. To offer an opportunity for the victim(s)/survivor(s)/next of kin and the offender to discuss the crime and its impact, get answers to their questions and express their feelings as part of the healing and recovery process
- D. To encourage interested offenders to express remorse, develop empathy and accept full responsibility for the harm caused to the victim(s) and their family.

### **III. DEFINITIONS**

- A. Victim-Offender Dialogue: A face-to-face interactive dialogue between the victim(s)/survivor(s)/next of kin and the offender, in which they discuss the impact of the crime.
- B. Victim/Survivor/Next of Kin: A person who suffers the direct impact of a criminal act by an offender.
- C. Offender: An adult offender committed to the CDCR or a juvenile committed to the Division of Juvenile Justice (DJJ). An offender may be an

inmate located at a state prison or a parolee under the supervision of CDCR Division of Adult Parole Operations (DAPO).

- D. VOD Facilitator: An individual trained in facilitating victim-offender dialogues for crimes which have caused physical and/or emotional harm. The facilitator works individually with the victim(s)/survivor(s)/next of kin and offender, in preparation for and moderation of the actual face-to-face dialogue. This individual is a volunteer who is not compensated and has received specialized training approved by CDCR. There may be more than one assigned facilitator to a case, as appropriate.
- E. Institution/DAPO Liaison: A staff member at the institution or parole office, designated by the Warden, Superintendent or Regional Administrator, who maintains communication with the VOD facilitator and coordinator throughout the VOD process, arranges meetings for facilitators, represents the interest and concerns of the Warden, Superintendent or Regional Administrator, and assists facilitators with details such as gate passes and other final arrangements. The Institution liaison, indicated in the initial screening review form as the contact person, shall be a classification no lower than Correctional Counselor II (Specialist) or Lieutenant. The DAPO liaison shall be a classification no lower than Parole Agent III. The DJJ liaison shall be the Parole Agent I in the Victim Services Coordinator position. *View page 4 for roles and responsibilities of an institution/DAPO liaison.*
- F. Support Person: An adult individual who attends the dialogue meeting to provide emotional support for the participant. Each VOD participant, the victim(s)/survivor(s)/next of kin and the offender, may choose one person to serve as their support person. The facilitator, VOD Coordinator and the appropriate staff member(s) designated by the Warden, Superintendent or Parole Administrator will consider conflict of interest and security needs on a case-by-case basis in approving the selection of the support person prior to the dialogue meeting.
- G. VOD Coordinator: The Office of Victim and Survivor Rights and Services (OVSRS) staff member who will be the initial contact for the victim(s)/survivor(s)/next of kin, the facilitator(s), and the Institutional/DAPO Liaison for the dialogue process.
- H. Victim-Offender File: VOD Coordinator will maintain all waivers, affirmations, releases and surveys in a file for each VOD case. The victim-offender file is considered very sensitive and will only be accessed on a need-to-know basis.
- I. Confidential: The participants in the VOD process have agreed that in order to facilitate a meaningful dialogue and accomplish the goals of the program (to enable healing and further justice) the VOD communications will not be

disclosed to non-participants. Participants agree that disclosure of VOD communication is a violation of this agreement. In addition, all participants acknowledge that some information shared during the VOD process may be protected by law, including but not limited to Civil Code section 56 et seq. and section 1798 et seq., and is therefore not considered public record. Any exception to this policy must be agreed upon in writing by the victim(s)/survivor(s)/next of kin, the offender, and the facilitator.

- J. Ground Rules: The facilitator defines standards of behavior for the dialogue session. The ground rules to ensure a safe environment for dialogue may include no name calling, no physical or emotional violence; one person speaks at a time, and ensuring a safe environment for dialogue.
- K. Creative Alternatives: Alternative approaches, in lieu of direct dialogue, which utilize other methods centered on the victim's needs such as a letter written by the victim to the offender.

#### **IV. CASE PREREQUISITES**

- A. Victim Initiated: OVSRS will only pursue requests that are initiated by the victim(s)/survivor(s)/next of kin.
- B. Participant Declaration: All persons participating in the VOD process must declare that no one is coercing them to participate and are of a sound mind, competent to sign all affirmations, waivers, and releases. If a person is under the age of 18, a parent or legal guardian must also sign all affirmations, waivers and releases.
- C. Offender Participation: To participate in the VOD, the offender must be willing and amenable to meet with the victim(s)/survivor(s)/next of kin. In addition, the Warden/Superintendent of the institution or Regional Parole Administrator must approve the offender's participation.
- D. Active Restraining and Protective Order: If there is an active restraining order against the offender to protect the victim(s)/survivor(s)/next of kin requesting VOD, the VOD process shall not proceed. CDCR does not have jurisdiction to change or cancel the order. The victim(s)/survivor(s)/next of kin may re-initiate the case once the order has expired or cancelled/changed by a judge.
- E. Date of Offense: The length of time that has passed since the time of the offense shall be considered when determining if a case shall move ahead in the dialogue process.
- F. Date of Release: The offender's release date from the institution shall be considered in determining when a case shall move ahead in the dialogue process.

- G. Active Appeal: To participate in the VOD, offender must not have an active criminal appeal, habeas petition, or active civil litigation involving the case or victim(s)/survivor(s)/next of kin that would also be the subject of, or participant in this VOD. The victim(s)/survivor(s)/next of kin may re-initiate the case after those legal matters are closed.
- H. Victims' Gate Clearance: In order to participate in the dialogue, if the offender is currently in state prison or a DJJ facility, the victim(s)/survivor(s)/next of kin must pass a security clearance to be permitted access. Prior convictions may impact the approval of a gate clearance and discrepancy will be reviewed by institution security. Creative alternatives to dialogue may be considered.
- I. Case Factors: Any criminal act committed (misdemeanor or felony) that resulted in physical or emotional harm to a victim.

## **V. ROLES AND RESPONSIBILITIES:**

The institution/DAPO liaison plays an important role in the VOD process. The first direct contact with the offender will be made by the institution/DAPO liaison. However, the institution/DAPO liaison will not be part of the actual dialogue and generally will not be present during the meetings between the offender and the facilitators.

### **A. Institution Liaison**

- 1. For offenders in custody, the institutional liaison will inform the offender that a person is coming to speak with him/her about their involvement in a Restorative Justice Program. The institutional liaison will be asked to assure the offender that nothing is wrong and that he or she is not in trouble.
  - a. The institutional liaison should not name the program or try to explain it; it is solely the responsibility of the facilitators or VOD coordinator.
  - b. The institutional liaison will arrange meetings with the offender in such a way as to keep the offender's possible participation confidential.
- 2. The institutional liaison will meet with facilitators at the institution before the initial meeting. This will give the institutional liaison an opportunity to ask questions and talk about practices or circumstances that may be unique to that institution and will provide facilitators an opportunity to gather additional information about the offender.

- a. This first meeting should address the Warden or Superintendent's possible requirements regarding the presence of security during preparation meetings and during the actual dialogue.
3. The on-going role of the institutional liaison is to arrange for future meetings, represent the interests and concerns of the Warden or Superintendent of the institution, and assist facilitators in other appropriate ways. When dialogue seems likely, the institutional liaison will assist facilitators with details such as gate clearance and other final arrangements.
4. When a dialogue date is set, the institutional liaison may inform mental health treatment staff and the chaplain's office about the pending date and the possibility that the offender may require their support following dialogue. If facilitators request it, the liaison will ask the offender's mental health treatment staff to contact him/her at any point during the preparation process.
5. The institutional liaison should be present when facilitators brief any security staff who will be in the room where the dialogue occurs.

B. DAPO Liaison

1. For offenders on parole, the VOD coordinator may request the assistance of the parole agent in initiating contact with the parolee.
  - a. The DAPO liaison may inform the parolee that the CDCR VOD coordinator will be contacting him/her about their involvement in a Restorative Justice Program.
  - b. VOD facilitator may request the initial meeting to take place at a parole office. Ongoing meetings may be held at locations agreed upon by VOD facilitator and offender.
2. When the case has been approved to move forward with a dialogue the DAPO liaison or parole office will modify any conditions of parole as necessary.
3. Once a dialogue date is set, the VOD facilitator will notify the DAPO liaison. The DAPO liaison may inform the offender's mental health treatment staff about the pending date and the possibility that the offender may require their support following dialogue. If applicable, facilitators may request the DAPO liaison assist with contacting the offender's mental health treatment staff at any point during the preparation process.

4. The DAPO liaison may assist with security needs requested by VOD facilitator or OVSRS.

C. VOD Facilitators

1. Recruitment/Screening: The OVSRS shall maintain a list of potential facilitators. All facilitators must be trained in VOD through a program approved by CDCR. OVSRS will ensure that all facilitators who are community volunteers will receive information on the institution's rules and regulations, CDCR form 181, regarding security and conduct while on grounds and the CDCR Volunteer Handbook.
2. Required CDCR Volunteer Forms:
  - a. CDCR Form 966 Volunteer Application and Service Agreement
  - b. CDCR Form 181 Primary Rules and Regulations
  - c. CDCR Form 894 Emergency Notification Information
  - d. STD 910 Essential Functions Health Questionnaire
3. Facilitator Status: The OVSRS will monitor each facilitator for quality of work through participant satisfaction and ethical conduct. If it is found that a facilitator is not complying with the procedures outlined in this policy, the CDCR rules and regulations, applicable state or federal regulations, or any other victim-offender dialogue responsibilities, the OVSRS may remove the facilitator from his/her participation in the CDCR VOD process at any time.
4. Assigning a Facilitator: When matching a case with a facilitator, the VOD Coordinator shall consider case specific and diverse needs, as well as, facilitator experience and availability.
5. Facilitator Responsibility: VOD coordinator and facilitator shall make every effort to protect all participants from potential inappropriate or harmful outcomes of the VOD process, and determine on a case-by-case basis if the VOD process is appropriate for the particular victim and offender.
  - a. The facilitator is responsible to report to the appropriate authority any threats made by the offender or the victim(s)/survivor(s)/next of kin that could jeopardize the life, safety, or welfare of another individual.
  - b. The VOD facilitator is not a legal advisor and shall not provide legal advice, or impose solutions and expectations on the victim(s)/survivor(s)/next of kin or offender.



- c. The VOD facilitator and coordinator shall not guarantee any particular outcome of the VOD case.
- d. Facilitators shall keep the identities of VOD participants confidential. At no time shall a facilitator discuss or communicate information about a specific VOD case unless approved by OVSRS.
- e. Facilitators are prohibited from submitting letters or statements which discuss an offender's involvement in VOD for any purpose such as parole suitability hearings, classification committee, judicial or appellate processes.

## **VI. VOD CASE PROCEDURES**

### **A. Case Documentation**

- 1. Offender file: No documentation regarding the VOD will become a part of the offender's central file or field file. Victim(s)/survivor(s)/next of kin's personal information will not be made available to the offender. However, documents used to facilitate the VOD that do not contain personal information, (e.g. these operational guidelines) may be subject to disclosure under the Public Records Act.
- 2. Required documents: The VOD Coordinator will maintain all signed affirmations, waivers, releases, and appropriate documentation in victim-offender's VOD file.
- 3. VOD facilitator preparation tracking: The VOD facilitator will email the VOD Coordinator a confirmation of upcoming scheduled visit. The VOD Coordinator will store the email in the VOD file. The VOD facilitator shall track all of their preparation and travel on the VOD tracking form supplied by OVSRS.
- 4. VOD Debrief: Upon VOD completion, the facilitator shall provide the VOD coordinator a short summary of dialogue between the victim(s)/survivor(s)/next of kin and offender.

### **B. Initiation**

- 1. When OVSRS receives a request from the victim(s)/survivor(s)/next of kin, the VOD coordinator will ask and request the following information:
  - a. Explain VOD process
  - b. Complete intake questionnaire
  - c. Obtain victim(s)/survivor(s)/next of kin's contact information

- d. Obtain victim(s)/survivor(s)/next of kin's date of birth and driver's license
- e. Ask the victim(s)/survivor(s)/next of kin if the VOD program can be mentioned while leaving a voicemail or prefers to be confidential
- f. Review prerequisites for offender eligibility

C. Eligibility

- 1. Persons requesting VOD who were directly impacted by a crime, but who are not designated as a victim as defined in the VOD guidelines, and offenders who are not eligible for VOD may be considered by the VOD coordinator and facilitator for participation in a creative alternative to dialogue.
- 2. If the offender and victim(s)/survivor(s)/next of kin meet eligibility, VOD coordinator will mail the Warden/Superintendent of the institution the Initial Screening Review form (in custody only). The VOD coordinator will also request victim(s)/survivor(s)/next of kin's name, date of birth and driver's license for approval of entrance into the institution or parole office.
  - a. Based on the information received, if either offender or victim(s) does not meet eligibility for VOD, VOD coordinator will contact and inform the victim(s)/survivor(s)/next of kin that the VOD process will not continue.
- 3. Once the institution/DAPO liaison is designated and the Initial Screening Review form is returned to the VOD coordinator and victim(s)/survivor(s)/next of kin's entrance into the institution is approved, VOD coordinator will:
  - a. Assign a VOD facilitator who will oversee the process
  - b. Provide contact information, summary of offense, and rehabilitation program history.
- 4. The VOD Coordinator will provide the VOD facilitator the following completed forms:
  - a. Contact Information
  - b. Summary of Offense and Rehabilitation form
  - c. Initial Screening Review form (in custody offenders only) (Appendix B)
  - d. Visitation Tracking Log

5. All VOD facilitators shall have copies of the following forms. Documents and forms can be received from the VOD Coordinator.
  - a. VOD Operational Guidelines
  - b. VOD Release of Liability (Appendix A)
  - c. VOD Fact Sheet (Appendix C)
  - d. Institution's Rules and Regulations

D. Orientation and Introduction

1. The VOD Coordinator will introduce the facilitator to the Institutional/DAPO Liaison via email. If offender is in an institution, VOD Coordinator will ask the institution liaison to assist with securing an appropriate meeting place and provide information about the gate clearance process and institution security policy, as stated on the CDCR's rules and regulations. If the offender is out of custody, the VOD coordinator may request the assistance of the parole agent in initiating contact with the parolee and updated contact information. The VOD coordinator will contact the parolee, explain VOD program and request permission to relay their contact information to a VOD facilitator.
2. The VOD Coordinator will introduce the victim(s)/survivor(s)/next of kin to the facilitator. The facilitator will contact the victim(s)/survivor(s)/next of kin and arrange an individual session for orientations and to evaluate for suitability. The facilitator will review the VOD program policies, waivers, and releases, and obtain a signature for the release of liability form.
3. The facilitator will meet the offender and introduce the VOD program and process, and evaluate the offender for suitability. The facilitator will review the VOD program policies and waivers, and obtain a signature for the release of liability form.
4. The victim(s)/survivor(s)/next of kin and the offender have the right to obtain legal counsel prior to participating in the VOD process. The CDCR OVSRS shall not share confidential information with legal counsel, and legal counsel shall not be permitted to participate in or attend VOD meetings without consent of all participants.
5. All participants understand the necessity of the dialogue to be confidential. The participants agree that they will not call the facilitator who serves on process or any party related to the process to act as witness in any court to testify to facts concerning or relating to the dialogue and agree that neither will they subpoena any documents, notes, testimony or other information about the

dialogue. The parties also understand that third parties, outside the control of the parties to the dialogue, may subpoena testimony or records or request a release of information under the Public Records Act.

6. Each VOD preparation and dialogue process must focus on the offense of record or prior conviction of the offender associated to the requesting victim. VOD process shall not address any other civil, criminal or administrative issue (*parental rights, custody, protective orders, etc.*).
7. Participation in the VOD is voluntary by the victim(s)/survivor(s)/next of kin and the offender. Participation may be terminated at any time by either participant.
8. Participation by the victim(s)/survivor(s)/next of kin or offender in the orientation or preparation phase of the VOD Program shall not guarantee, nor be a commitment, that a meeting between the victim and offender will occur as any party can withdraw from the process at any time.
9. If the victim(s)/survivor(s)/next of kin and the offender decide to participate, and the facilitator finds both suitable, the facilitator will send the signed release of liability form to the VOD Coordinator. *All affirmations, waivers, and releases will be stored in the OVSRS VOD file.*

E. Preparation for Dialogue

1. The VOD facilitator will arrange individual preparatory meetings with the offender and the victim/survivor/next of kin. Each VOD session and length of that session shall be determined by the VOD facilitator in conjunction with the institution liaison if the offender is in custody. During the preparation period, the facilitator may contact the offender's mental health professional if approved by the offender, and the Institution/DAPO Liaison for additional information.
2. Prior to the actual meeting, the facilitator must make a final recommendation to the VOD Coordinator before proceeding with the face-to-face dialogue. The facilitator works with the victim(s)/survivor(s)/next of kin and the offender to establish a mutually agreed upon date and time for the dialogue. If the offender is in custody, the institution liaison will confirm and approve the proposed dialogue date. If the offender is out of custody, the VOD facilitator may reach out to the DAPO liaison and unit supervisor to request meeting space within a parole office and security.

3. Outstanding no contact orders issued by the Board of Parole Hearings (BPH) or DAPO must be modified or rescinded, for the limited purpose of the VOD as approved by the CDCR, during preparation phase before the actual face-to-face dialogue.
4. Prior to the face-to-face dialogue, the VOD Coordinator will request information required by CDCR (name, date of birth, and driver's license) for gate clearance from any additional attendees (support persons). This information will be provided to the Institution/DAPO Liaison for proper processing. The facilitator and Institution/DAPO Liaison will orient the victim(s)/survivor(s)/next of kin and the support person(s) to the institution or parole office's rules and regulations regarding security clearance and conduct while on grounds.
5. All persons entering onto an institution/facility, camp grounds, or parole office consent to a search of their person, property or vehicle at any time. Refusal by individuals to submit to a search of their person, property or vehicle may be cause for denial of access to the premises or restrictions to visiting or facility access.
  - a. *Adult institutions will use the screening procedures provided in the Department Operations Manual Section 62090.6.4.3, [Board of Parole Hearing] BPH Hearing Attendee Screening.*
6. Victim(s)/survivor(s)/next of kin and the support person(s) are permitted to bring the following personal items with them to the institution, in addition to the items allowed for visitors in general pursuant to DOM Section 54020.15:
  - a. Food items such as whole fruit, a sealed candy bar or sealed granola bar, upon inspection and approval;
  - b. Writing materials, documents, and a book, upon inspection and approval.

The following items are strictly prohibited inside an institution:

- a. Weapons (firearms, knives, pepper spray, etc.)
  - b. Electronics (cell phones, pagers, recording devices, cameras, tablets, etc.)
  - c. All tobacco products, including lighters and matches
7. All recording, taping and media request shall be handled in accordance by VOD coordinator and will be referred to the CDCR Office of Public and Employee Communications (OPEC). OPEC, the VOD Coordinator and the facilitator shall determine if recording, taping, and media are appropriate for VOD in a case-by-case basis.

F. Conducting the VOD

1. On the meeting day, immediately before the meeting, the facilitator shall arrange with the Institution/DAPO Liaison to show the victim(s)/survivor(s)/next of kin the room in which the dialogue will take place. The facilitator will discuss the proposed seating arrangements of all participants and consider input from the victim(s)/survivor(s)/next of kin unless security or other concerns exist that prohibit such an arrangement. The facilitator shall bring all participants together and review the ground rules for the meeting. Breaks will be taken as needed.
2. During the meeting, the following participants and staff members may be permitted inside:
  - a. VOD facilitator(s)
  - b. Victim(s)/survivor(s)/next of kin
  - c. Offender
  - d. 1 support person for victim
  - e. 1 support person for offender
  - f. CDCR security staff (i.e. Correctional Officer, Youth Correctional Officer, Parole Agent)

*Based on the sensitive nature of dialogues, any interested observers and CDCR staff must be approved by the VOD facilitator and Institutional/DAPO Liaison*

G. Following the VOD

1. Directly after the conclusion of the VOD, the facilitator will assess the participants for additional needs (i.e. mental health referral) individually. The facilitator will follow up with participants at least once within 4-6 weeks, including Institution/DAPO Liaison, to listen to their views and discuss the impact of the dialogue.
2. The VOD coordinator will send out evaluation forms to the victim(s)/survivor(s)/next of kin and the offender to provide OVSRS with feedback on the VOD process.

# APPENDIX A

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
OFFICE OF VICTIM AND SURVIVOR RIGHTS AND SERVICES



## **Victim/Offender Dialogue (VOD) Program RELEASE OF LIABILITY FORM**

In consideration of the permission granted the undersigned by the California Department of Corrections and Rehabilitation (CDCR) to participate in the Victim-Offender Dialogue (VOD) program, the undersigned, his/her agents, or other third parties acting on his/her behalf, hereby release, discharge, and hold harmless CDCR, its respective officers, agents, facilitators, and employees from any and all liability arising in connection with the undersigned's participation in VOD. Further, the undersigned specifically releases and waives any and all claim(s) against CDCR from acts or omissions of said agency, its staff, or volunteer facilitator(s), regardless of whether such act(s) or omission(s) arise in whole or in part from the negligence of said agency, its staff, or volunteer facilitator(s).

The undersigned further affirms that s/he understands:

- All participants must meet the policy guidelines, including agreement with the purpose and goals of the VOD process.
- All participants declare it is not their intentions to cause physical or emotional harm to the victim, offender, or any other participant associated with the dialogue process.
- All participants declare that their participation in VOD is voluntary and not in any way coerced. Further, any party to the process has the right to discontinue participation at any time and for any reason.
- The offender and victim/survivor/next of kin declare the facilitator will make the final determination as to the appropriateness of any dialogue or the parties thereto.
- The offender and victim/survivor/next of kin understand the facilitator is not a legal advisor and is not to provide legal advice to any party involved in the dialogue.
- Participation by the offender in VOD is not expected to affect the offender's prison, parole, jail, or community supervision status. Participation by the offender cannot be expected to enhance any chances for commutation of sentence or for any kind of clemency action. VOD is a personal process between victim and offender and is not intended to have any bearing on the participating offender's status in the judicial, appellate, or corrections systems.
- All documentation regarding VOD is confidential and will not become a part of the offender's prison/parole/community supervision file. Only appropriate staff and assigned facilitators will have access to the VOD files in the normal course of the VOD process. Disclosure of some documentation may nevertheless be required by a third party subpoena. Public information pertaining to the offender, as set out in California Code of Regulations, Title 15, Section 3261.2(e), is not confidential and may continue to be released subject to the California Public Records Act.

- All participants understand the necessity of the dialogue to be confidential. The participants agree that they will not call the facilitator who serves on process or any party related to the process to act as witness in any court to testify to facts concerning or relating to the dialogue and agree that neither will they subpoena any documents, notes, testimony or other information about the dialogue. The parties also understand that third parties, outside the control of the parties to the dialogue, may subpoena testimony or records or request a release of information under the Public Records Act.
- All participants agree to participate in the preparation, follow-up, and evaluation process.
- During and following the preparation and dialogue phases of the process, both victim/survivor/next of kin and offender agree to refrain from and not engage in any relationship with the media (newspapers, periodicals, television, Internet, etc.) according to the principles of mutual respect and sensitivity necessary to establish an environment for constructive dialogue. Any exception to this policy must be agreed upon in writing by the victim/survivor/next of kin, the offender, and the facilitator.
- All participants declare they are of lawful age, legally competent and empowered to sign this affirmation, waiver, and release.
- Should any portion of this release be judicially determined to be illegal or unenforceable, the remainder of the release shall continue in full force and effect.

_____ Facilitator	_____ Date
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_____ Co-Facilitator	_____ Date
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_____ Victim/survivor/next of kin	_____ Date
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_____ Victim's Support Person	_____ Date
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_____ #2 Victim/survivor/next of kin	_____ Date
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_____ #2 Victim's Support Person	_____ Date
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_____ Offender	_____ CDCR#	_____ Date
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_____ Offender's Support Person	_____ Date
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_____ CDCR Staff/Position	_____ Date
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_____ CDCR Staff/Position	_____ Date
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# APPENDIX B

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
OFFICE OF VICTIM AND SURVIVOR RIGHTS AND SERVICES



## Victim/Offender Dialogue (VOD) Program INITIAL INMATE/WARD SCREENING REVIEW

Inmate/Ward Name: \_\_\_\_\_ CDCR/DJJ #: \_\_\_\_\_

The Office of Victim and Survivor Rights and Services (OVSRS) has received a request from a victim or victim's next-of-kin to participate in the Victim Offender Dialogue (VOD) program. The VOD program offers victims the opportunity to meet face-to-face with the offender responsible in a safe, secure environment, in order to facilitate healing in their lives. The victim has been screened by OVSRS and designated eligible for participation; however, we need your assistance in screening the inmate/ward.

Please **do not interview** the inmate/ward regarding participation in the VOD program. It is the sole responsibility of the VOD facilitator to introduce the program to the inmate/ward.

Institution Liaison to assist with the VOD process as contact person:

VOD Institution Contact Person: \_\_\_\_\_  
Title: \_\_\_\_\_ Phone Number: \_\_\_\_\_

The following must be completed by the Evaluator (CDCR staff member most familiar with offender):

Name of Evaluator: \_\_\_\_\_  
Title: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Please review the inmate/ward's c-file and indicate if any of the following are present:  
*Selecting "Yes" will not exclude the inmate from participating in VOD program*

Does the inmate/ward have any physical limitations:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Does the inmate/ward have any mental or emotional limitations:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Have there been any disciplinary actions within the last 12 months:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Is the inmate/ward violent by nature:	<input type="checkbox"/> YES	<input type="checkbox"/> NO

Is there any information in the C-file that, in your opinion, would make this inmate/ward ineligible to participate in the VOD program? If so, please state the reason below:

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# APPENDIX C

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
OFFICE OF VICTIM AND SURVIVOR RIGHTS AND SERVICES



## Victim/Offender Dialogue (VOD) Program

### VOD FACT SHEET

#### GOALS

- To support personal justice and healing by empowering victim(s)/survivor(s)/next of kin to meet with the offender and address the personal impacts of violent crimes.
- To conduct a series of separate preparation sessions over the course of several months, culminating in a single facilitated dialogue between the victim(s)/survivor(s)/next of kin and the offender.
- To offer an opportunity for the victim(s)/survivor(s)/next of kin and the offender to discuss the crime and its impact, get answers to their questions and express their feelings as part of the healing and recovery process.
- To encourage interested offenders to express remorse, develop empathy and accept full responsibility for the harm caused to the victim(s) and their family.

#### PROGRAM POLICIES

- Participation in the VOD is voluntary by the victim(s)/survivor(s)/next of kin and the offender. Participation may be terminated at any time by either participant.
- Each VOD preparation and dialogue process must focus on the offense of record or prior conviction of the offender associated to the requesting victim. A victim, survivor, or victim next-of-kin is defined as a person who suffers the direct impact of a criminal act by an offender. VOD process shall not address any other civil, criminal or administrative issue (*parental rights, custody, protective orders, etc.*).
- All persons participating in the VOD process must declare that no one is coercing them to participate and are of a sound mind, competent to sign all affirmations, waivers, and releases.
  - If a person is under the age of 18, a parent or legal guardian must also sign all affirmations, waivers and releases.
- Extensive preparation for participants and facilitators is critical to the success of the dialogue. All victim(s)/survivor(s)/next of kin and offenders who choose to participate in VOD must agree to participate in the preparation, follow-up and evaluation process.
- Offenders who participate in a VOD must acknowledge responsibility for their crime against the victim(s)/survivor(s)/next of kin.
- VOD is not intended to have any bearing on the participating offender's status in the judicial, appellate, pardon/commutation, parole or corrections system.
- All VOD preparation and dialogue documentation is confidential and does not become part of the offender's central file or field file.
  - The facilitator is responsible to report to the appropriate authority any threats made by the offender or the victim(s)/survivor(s)/next of kin that could jeopardize the life, safety, or welfare of another individual.
- The VOD facilitator is not a legal advisor and shall not provide legal advice, or impose solutions and expectations on the victim(s)/survivor(s)/next of kin or offender. The VOD facilitator and coordinator shall not guarantee any particular outcome of the VOD case.

- The victim(s)/survivor(s)/next of kin and the offender have the right to obtain legal counsel prior to participating in the VOD process. The CDCR OVSRS shall not share confidential information with legal counsel, and legal counsel shall not be permitted to participate in or attend VOD meetings without consent of all participants.
- All participants understand the necessity of the dialogue to be confidential. The participants agree that they will not call the facilitator who serves on process or any party related to the process to act as witness in any court to testify to facts concerning or relating to the dialogue and agree that neither will they subpoena any documents, notes, testimony or other information about the dialogue. The parties also understand that third parties, outside the control of the parties to the dialogue, may subpoena testimony or records or request a release of information under the Public Records Act.
- Participation by the victim(s)/survivor(s)/next of kin or offender in the orientation or preparation phase of the VOD Program shall not guarantee, nor be a commitment, that a meeting between the victim and offender will occur as any party can withdraw from the process at any time.
- Any no contact orders previously imposed by the courts, Board of Parole Hearings, or Division of Adult Parole Operations, and temporarily suspended for the VOD, may be reinstated at the conclusion of the VOD.

### **Laws, Rules and Regulations**

- CDCR does not recognize hostages for bargaining purposes. CDCR has a "NO HOSTAGE" policy and all prison inmates, visitors, non-employees and employees shall be made aware of this. *SOURCE: PC Sections 5054 and 5058; CCR, Title 15, Section 3304*
- All persons entering onto an institution/facility, camp grounds or parole office consent to a search of their person, property or vehicle at any time. Refusal by individuals to submit to a search of their person, property or vehicle may be cause for denial of access to the premises or restrictions to visiting or facility access. *SOURCE: PC Sections 2601, 5054 and 5058; CCR, Title 15, Sections 3173, 3267, 3288, 3289, and 3292.*
- Encouraging and/or assisting prison inmates to escape is a crime. It is illegal to bring firearms, deadly weapons, explosives, tear gas, drugs or drug paraphernalia on CDCR institutions/facilities or camp premises. It is illegal to give prison inmates firearms, explosives, alcoholic beverages, wireless communication devices or components thereof, tobacco products, narcotics, or any drug or drug paraphernalia, including cocaine or marijuana. *SOURCE: PC Sections 2772, 2790, 4535, 4550, 4573, 4573.5, 4573.6, 4574, 4576 and 5030.1; CCR, Title 15, Sections, 3172.1, 3188 and 3292*
- It is illegal to give or take letters from prison inmates without the authorization of the Warden. It is also illegal to give or receive any type of gift and/or gratuities from prison inmates. *SOURCE: PC Sections 2540, 2541 and 4570; CCR, Title 15, Sections 3010, 3399, 3401, 3424 and 3425*
- In an emergency situation the VOD program and other inmate program activities may be suspended by the Warden or designee. *SOURCE: PC Sections 2086 and 2601; CCR, Title 15, Section 3383*
- All persons entering onto an institution/facility, camp grounds or parole office are not to intervene with orderly institutional operations. *SOURCE: CCR, Title 15, Section 3304*
- For security reasons, victims, victim family, support persons, and volunteers must not wear clothing that in any way resembles state issued prison inmate clothing (blue denim shirts, blue denim pants). Dark denim (jeans or Levi's) and/or blue work shirts **are not allowed** in the prison. Anyone wearing denim will not be admitted to the prison. *SOURCE: CCR, Title 15, Sections 3174 and 3349.2.3(g) (3) (B)*