

INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability: ☒ Adult Operation Only ☐ JUVENILE Operations Only ☐ DEPARTMENT-WIDE

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VICTIM SERVICES: Apology Letter Bank

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Approved By: , Secretary

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POLICY

The purpose of this policy is to establish a structured and monitored program within the Kansas Department of Corrections (KDOC) to provide victims of crime an opportunity to receive apology letters from the resident/offender. This program also provides resident/offenders who are in the custody or under the supervision of KDOC the opportunity to express remorse and accountability for the harm they caused to the victims of their criminal behaviors. This Restorative Justice program is referred to as the Apology Letter Bank (ALB). The Office of Victim Services (OVS) must maintain an Apology Letter Bank for the receipt, retention, and appropriate distribution of apology letters written by resident/offenders to the victim(s) of their crime.

DEFINITIONS

Offender: A person under post-incarceration supervision with the Secretary of Corrections.

Resident: A person who is in the legal custody of the Secretary of Corrections housed in a correctional facility.

Restorative Justice: An approach to addressing harm caused by crime. KDOC Restorative Justice programs are guided by the needs of victims and emphasize resident/offender accountability, with the intention to repair harm through voluntary, facilitated processes.

Restorative Justice Coordinator: An employee of KDOC Office of Victim Services who oversees all restorative justice programs.

Victim: A person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime:

Primary Victim - The person(s) directly impacted by the crime (i.e., the person who is the subject or target of the crime who directly suffers harm by its commission).

Secondary Victim - The person(s) indirectly impacted by the crime (i.e., the family, friends, neighbors, etc. of the person(s) who is victimized).

Victim Offender Dialogue: A one-time structured dialogue in a secure environment led by trained facilitators utilizing Restorative Justice principles. The dialogue may take the form of a face-to-face meeting or alternative forms as determined by the victim and approved by the Restorative Justice Coordinator. The purpose of the VOD is to:

- a. Prioritize and address the needs of the victim in regard to the crime and provide an opportunity to experience healing.

- b. Encourage reflection, honesty, and personal accountability from the resident/offender and increase understanding of the impact of the crime as expressed by the victim.

PROCEDURES

I. Participation of Residents/Offenders in the Apology Letter Bank Program

- A. To be eligible to submit an apology letter to the Apology Letter Bank, the resident/offender must be in the custody or under the supervision of KDOC.
 - 1. Interstate compact residents/offenders interested in writing an apology letter may receive assistance from the Restorative Justice Coordinator or designee, but the letter cannot be submitted to the KDOC Apology Letter Bank program. The Restorative Justice Coordinator or designee may refer the resident/offender to their sending state's program for review, retention, and distribution of the letter, if a program exists.
- B. Participation in the program must be voluntary for residents/offenders. Any resident/offender interested in expressing remorse or accountability to victims may be encouraged to submit a letter to the Apology Letter Bank.
- C. Participation in the program must not have any effect on a resident's/offender's parole eligibility, release date, or conditions of supervision.
- D. OVS must not inform the Prisoner Review Board of a resident's/offender's participation in the Apology Letter Bank program.
- E. Apology letters must not be retained in any resident/offender file or database. Letters must only be retained in a private Victim Services drive or a secure OVS file cabinet.
 - 1. Any documentation in resident/offender files related to the resident's/offender's participation in the Apology Letter Bank program must only be noted as "Correspondence with Victim Services."

II. Submission of Letters for Review

- A. Per IMPP 21-106A, residents/offenders must not initiate contact with the victim(s) in their case. Residents/offenders must send their apology letter(s) to the Office of Victim Services (OVS) for review. Apology letters must not be sent directly to victims or to an intermediary other than OVS.
 - 1. Residents/offenders must mail their letter(s) to:
Attn: Apology Letter Bank
Office of Victim Services
714 SW Jackson, Suite 300
Topeka, KS 66603
 - 2. Residents/offenders may submit apology letter(s) by Form 9 to Victim Services.
 - 3. Staff may submit apology letter(s) on behalf of residents/offenders by email to the Restorative Justice Coordinator.
- B. Residents/offenders may request assistance writing an apology letter from Restorative Justice staff.

III. Review of Letters

- A. Upon the receipt of an apology letter, the Restorative Justice Coordinator or designee must review the letter to determine if it meets the minimum standards to be accepted into the Apology Letter Bank.
 - 1. To be accepted into the Apology Letter Bank, apology letters must meet the following minimum standards:
 - a. The letter is addressed to a specific person or group.
 - b. The letter is free from inappropriate statements including, but not limited to, threats or harmful language.
 - (1) If safety concerns arise for any person, based on the contents of a letter, the Restorative Justice Coordinator or designee must communicate the concerns to appropriate KDOC staff.
 - c. The letter is legible.
 - (1) If the letter is not clear enough to read, the resident/offender may be asked to re-write or type the letter.
 - d. The Restorative Justice Coordinator or designee may consult with other departmental staff about the acceptance of the letter into the Apology Letter Bank.
 - e. Letters are accepted into the Apology Letter Bank at the discretion of the Restorative Justice Coordinator or designee.

IV. Accepted Letters

- A. Letters that are accepted must be placed into the Apology Letter Bank.
- B. The Restorative Justice Coordinator or designee must inform the resident/offender in writing that their letter was accepted and was placed in the Apology Letter Bank.
 - 1. A copy of the accepted letter must be sent to the resident/offender.
 - 2. Feedback on how the letter could be improved may be provided to the resident/offender.
 - 3. Residents/offenders must be informed they can make changes and submit an updated letter. The updated letter will be reviewed. If the updated letter is accepted, it must be placed into the Apology Letter Bank. The most recently accepted letter must be available for the victim to request.
- C. A physical copy of the accepted letter must be placed into a secure OVS file cabinet. A scanned copy must be kept in a private OVS drive.

V. Not Accepted Letters

- A. Letters that are not accepted must not be placed into the Apology Letter Bank.

- B. The Restorative Justice Coordinator or designee must inform the resident/offender in writing that their apology letter was not accepted and state the reason(s) the letter was not accepted.
 - 1. Feedback on necessary changes may be provided to the resident/offender.
 - 2. Residents/offenders must be informed they can make changes and submit a new letter to be considered for acceptance into the ALB.
- C. The original letter may be returned to the resident/offender.

VI. Victims Requesting Notification

- A. Information regarding the Apology Letter Bank program must be provided to victims at the time of registration with the Office of Victim Services. Information may also be provided when a victim expresses the desire to know if a resident/offender is accountable or feels remorse.
- B. Participation in the program must be voluntary for victims. No person must be forced to receive an apology letter.
- C. Victims must opt in for Apology Letter Bank notification. This process is separate from Victim Services statutory notification requirements as detailed in IMPP 21-101A.
 - 1. If victims have expressed interest in Apology Letter Bank notification, OVS staff must document the request and email the Restorative Justice Coordinator or designee to report the victim's request to opt in for notification.
 - 2. The Restorative Justice Coordinator or designee must maintain a list of victims who opted in for Apology Letter Bank notification.

VII. Notification and Distribution of Letters to Victims

- A. OVS staff must only notify the victim(s) that an apology letter is available to them if the victim(s) has opted in for notification of such a letter.
 - 1. If the victim has opted in for notification of an apology letter, the Restorative Justice Coordinator or designee must attempt to inform the victim of the existence of the letter in the Apology Letter Bank using contact information provided by the victim.
 - 2. If the victim has not opted in for notification of an apology letter, the victim must not be informed of the existence of a letter unless the victim inquires or chooses to opt in for notification. OVS staff must retain the letter until the victim inquires about the existence of a letter.
- B. If a victim has requested notification and has been notified of the existence of an apology letter, the victim may decide if, when, and how they want to receive the apology letter.
 - 1. If the victim does not wish to receive the apology letter, Victim Services staff must retain the letter within the Apology Letter Bank until the victim requests to receive the letter.
 - 2. If the victim requests to receive the letter:
 - a. Prior to sending the letter to the victim, the Restorative Justice Coordinator or designee must:
 - (1) Discuss with the victim the Apology Letter Bank policy at the time of the letters acceptance, any feedback that was provided to the resident/offender regarding the letter, and risks of harm that could come to the victim as a result of receiving the letter.

- (2) Assess safety and provide additional support, resources, or referrals as needed.
- b. Victims may decide the method by which they wish to receive the apology letter. Methods include by mail, email, read aloud by OVS staff, and/or other methods at the discretion of the Restorative Justice Coordinator.
 - (1) The victim may choose if they would like the Restorative Justice Coordinator or designee to inform the resident/offender that the letter has been received.
 - (2) If the victim so chooses, Restorative Justice Coordinator or designee must notify the resident/offender in writing.
 - (3) The Restorative Justice Coordinator or designee must discuss with the victim what, if any, personally identifying information the victim would like to include in the notification letter to the resident/offender.
 - (4) If a victim wishes to communicate with the resident/offender beyond notification that the letter was received, they must be referred to a Victim Services Liaison to discuss options for unfacilitated contact or to the Victim Offender Dialogue program (IMPP 21-103A) for facilitated contact options.
- c. If an apology letter is addressed to more than one victim, a copy of the letter may be provided to each victim to whom the letter is addressed.
- d. A scanned copy of the letter must be retained in a private drive indefinitely.

VIII. This IMPP must serve as final policy in all departmental facilities, and no General Orders shall be developed or implemented on this subject.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff, residents, and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees, residents, or offenders, or an independent duty owed by the Department of Corrections to employees, residents, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS

None.

REFERENCES

IMPP 21-101A, 21-103A, 21-106A

HISTORY

03-14-23 Original

ATTACHMENTS

None.