

PS 1490.06 VICTIM AND WITNESS NOTIFICATION PROGRAM

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BP-S323





Program Statement

OPI: CPD
NUMBER: 1490.06
DATE: 5/23/2002
SUBJECT: Victim and Witness
Notification Program

1. [**PURPOSE AND SCOPE** §551.150. The Bureau of Prisons provides a requesting victim and/or witness of a serious crime with information on the release from a Bureau institution of the inmate convicted of that serious crime.]

The Victim and Witness Protection Act of 1982, the Crime Control Act of 1990, the Violent Crime Control and Law Enforcement Act of 1994, as well as the Attorney General's Guidelines for Victim and Witness Assistance set forth procedures to meet the needs of crime victims and witnesses. A major component of each of these directives is to ensure victims/witnesses are advised of the significant stages in the criminal justice process. This Program Statement establishes Bureau procedures for responding to a request from a victim or witness who wishes to be notified regarding a specific inmate's release or release-related activities.

2. **SUMMARY OF CHANGES.** This revision incorporates the following changes:

- ! Text and procedures for the National Victim of Crime Notification System (VNS) have been added;
- ! Removes the requirement to send final release notifications via certified mail/return receipt requested;
- ! Removes the requirement to send carbon copies of notification letters to the U.S. Attorney Victim/Witness Coordinator;

[Bracketed Bold - Rules]

Regular Typed - Implementing Information

- ! Incorporates procedures to notify inmate victims

regarding incarcerated offenders; and

! Incorporates procedures when a victim is compromised.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. Victims who are on record to receive information will be notified, within established time frames, of an inmate's admission to, or release from, an institution or contract facility.

b. Victims who are on record to receive information will be notified, within established time frames, of opportunities to appear in person at an inmate's parole hearing or submit written comments for consideration.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 1490.05 Victim and Witness Notification (6/21/00)

b. **Directives Referenced**

PS 3906.16 Employee Development Manual (3/21/97)
PS 5050.46 Compassionate Release, Procedures for
Implementation of 18 U.S.C. 3582(c)(1)(A) and
4205(g) (5/19/98)
PS 5180.04 Central Inmate Monitoring System (8/16/96)
PS 5216.05 Juvenile Delinquents (9/1/99)
PS 5264.07 Telephone Regulations for Inmates (1/31/02)
PS 5265.11 Correspondence (7/9/99)
PS 5267.06 Visiting Regulations (5/17/99)
PS 5280.08 Furloughs (2/4/98)
PS 5321.07 Unit Management (9/16/99)
PS 5553.06 Escapes/Deaths Notification (8/23/99)
PS 5800.11 Inmate Central File, Privacy Folder, and
Parole Mini-Files (12/31/97)
PS 7310.04 Community Corrections Center (CCC)
Utilization and Transfer Procedure (12/16/98)

VNS User Manual

Attorney General Guidelines for Victim and Witness
Assistance, January 31, 2000

Victim and Witness Protection Act of 1982, Public Law 97-291

c. Rules cited in this Program Statement are contained in 28 CFR 551.150-153.

5. STANDARDS REFERENCED

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4393-1

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-4G-08

c. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-4G-02

6. **AUTOMATED VICTIM NOTIFICATION SYSTEM (VNS) BACKGROUND.** The Department of Justice is committed to ensuring that victims/witnesses are treated fairly as their case moves through the Federal Criminal Justice System. In order to provide victims with notification and information about case events, the Department of Justice has developed the National Victim Notification System (VNS). The VNS program was established as a result of a cooperative effort between the Federal Bureau of Investigation (FBI), the Executive Office for the United States Attorneys, and the Federal Bureau of Prisons (BOP).

VNS links the FBI, all Assistant U.S. Attorney's offices (AUSA), and the BOP through the Department of Justice Intranet, and allows these three agencies to share victim information. The system contains the names of all identified victims of Federal crimes. Victim(s) information is entered into the system at the time they are identified following the commission of a crime. The information is used to make notification(s) during the arrest, arraignment, prosecutorial, and confinement phases.

Once an offender is convicted and assigned a U.S. Marshals number (register number), case information is electronically forwarded to SENTRY to determine if the inmate is in Federal custody. If the inmate information is in SENTRY and there is a match (inmate register number and last name), SENTRY will automatically assign the VWP Case Management Assignment (CMA) to the inmate's information.

Every 24 hours, SENTRY will update the VNS database, and when necessary, VNS will generate a victim notification request to the inmate's assigned Case Manager.

All VWP notifications will be accomplished using VNS, and will also include U.S. Military inmates, state boarders, District of Columbia Superior Court cases, and U.S. Parole Commission cases.

At no time are staff permitted to delete victims from VNS.

7. **PRETRIAL/HOLDOVER AND/OR DETAINEES.** Procedures required by this Program Statement ordinarily do not apply to these inmates. Victim notification is required in accordance with Section 12 of this Program Statement when an inmate with a VWP assignment in SENTRY, in pretrial, holdover or detainer status, releases from custody, escapes, or dies while confined in a BOP institution.

8. **INMATE VICTIMS.** Inmates who are enrolled in the VWP as a result of being the victim of a Federal crime require the earliest possible notice of release related events involving an incarcerated offender. However, the notification time frames required by this Program Statement ordinarily do not apply to inmate victims since staff must take into consideration any security concerns which jeopardizes the inmate victim's or the offender's safety while incarcerated.

If staff are aware that the victim is an inmate, the inmate victim will be reviewed on a case-by-case basis in an attempt to minimize the risk involved in completing notifications. It may be determined that notification prior to an event occurring would be a greater security concern for the inmate's involved.

9. **[DEFINITIONS §551.151**

a. For purpose of this rule, "victim" is generally defined as someone who suffers direct or threatened physical, emotional, or financial harm as the result of the commission of a crime. The term "victim" also includes the immediate family of a minor or a homicide victim.

b. For purpose of this rule, "witness" is defined as someone who has information or evidence concerning a crime, and provides information regarding this knowledge to a law enforcement agency. Where the witness is a minor, the term "witness" includes an appropriate family member. The term "witness" does not include defense witnesses or those individuals involved in the crime as a perpetrator or accomplice.

c. For purpose of this rule, "serious crime" is defined as a criminal offense that involves personal violence, attempted or threatened personal violence or significant property loss.

d. For purpose of this rule, the phrase "release from a Bureau institution" refers to an inmate's furlough, parole (including appearance before the Parole Commission), transfer to a state or local detention facility, transfer to a community corrections

center, mandatory release, expiration of sentence, escape (including apprehension), death, and other such release-related information.]

This also applies to inmates serving a concurrent Federal sentence in a state or local facility. Refer to Section 10.a. of this Program Statement for specific notification procedures regarding state concurrency cases. Inmates who are transferred from a BOP institution to a local detention facility on a temporary basis for disciplinary or other reasons, do not require notification.

e. Federal inmates housed in state facilities (state boarders) or community corrections centers (CCC) are the responsibility of the appropriate Community Corrections Manager (CCM). In these situations, the terms "Warden", "Unit Manager" and "Community Corrections Manager" are synonymous.

f. "VWP" refers to a CMA assignment assigned to an inmate who has victims. Central Office VWP staff approve and enter into SENTRY all "VWP*" assignments for an inmate who has a BOP staff member as a victim.

g. Limited System User (LSU) refers to the Case Manager, Community Corrections Case Manager or Unit Manager who has system capability to read victim information and generate notifications for inmates on their assigned case load.

h. Full System User (FSU) refers to the Victim/Witness Coordinator (VWC) or CCM who has system capability to read, generate reports, approve/cancel notification, create victim records, update victim information, and add inmates to VNS.

i. Institution VNS Administrator refers to the Computer Services Manager whose responsibilities in VNS will include updating user ID's, assigning passwords and a reporting office, granting office access rights, and ensuring that the institution's telephone and fax numbers, etc., are entered for each user.

10. **CENTRAL OFFICE VICTIM/WITNESS STAFF.** Central Office VWP staff are located in the Correctional Programs Branch and serve as the Bureau's point of contact for victim/witness issues and procedures. They are also the primary liaison to Department of Justice staff, other law enforcement agencies, and the public.

Central Office VWP staff will enter the VWP assignment and victim information on U.S. Military inmates, District of Columbia Superior Court cases, and U.S. Parole Commission cases.

a. **State Concurrency Cases.** Inmates identified as VWP cases serving a concurrent Federal sentence in a state facility will be assigned a VWP CMA assignment. Central Office VWP staff will complete notifications in the following manner (see Attachment E, G):

- ! Forward a copy of the notification to the victim within 30 calendar days after VNS posts the notification. A copy of the letter must be forwarded to the appropriate Regional Inmate Systems Administrator (RISA).
- ! Forward a copy of the notification to the appropriate official in the state department of corrections confining the inmate, along with a copy of the Department of Justice Victim Notification System Pamphlet.
- ! Mail all letters via regular mail.

b. **Witness Security Inmates.** The Inmate Monitoring Section, Central Office, coordinates all notification procedures for Witness Security inmates with a VWP CMA assignment. The Case Management Coordinator (CMC) at the facility where the Witness Security inmate is housed will contact the Inmate Monitoring Section, Central Office, to ensure proper notifications are made to the victim(s).

c. All victim/witness contact changes (i.e., address, phone numbers, fax numbers, etc.) must be sent to the Correctional Programs Branch, Unit Management Section, Central Office, to ensure the changes are entered into VNS on all linked victims.

11. **INSTITUTION VICTIM/WITNESS COORDINATOR (VWC).** Each Warden will designate a VWC, ordinarily not below the department head level, to provide technical expertise, monitor, and train staff on VWP and VNS.

If a notification is inadvertently sent to a Case Manager other than the inmate's Case Manager, the following steps will occur:

a. Unit staff will update the case manager assignment in SENTRY;

b. Unit staff will notify the VWC of the CSW change;

c. The VWC will cancel the first notification; and

d. The VWC will recreate a notification for the appropriate Case Manager.

12. **ACCESS TO THE SYSTEM.** Each victim is assigned a Victim Identification Number (VIN) and a Personal Identification Number (PIN) which allows them to access the automated system. When a victim contacts unit staff and indicates that they have lost their VIN or PIN, unit staff will regenerate an initial letter and forward it to the victim at the address contained in VNS.

13. **NOTIFICATION [PROCEDURES §551.152**

a. A victim and/or witness of a serious crime who wants to be notified of a specific inmate's release must make this request to the United States Attorney in the district where the prosecution occurred. Requests for notification received by the Bureau of Prisons directly from a victim and/or witness will be referred to the U.S. Attorney in the district of prosecution for approval.

b. Institution staff shall promptly notify the victim and/or witness when his or her request for notification has been received. Staff shall advise each approved victim and/or witness of that person's responsibility for notifying the Bureau of Prisons of any address and/or telephone number changes.]

c. **Types of Notifications and Time Frames.** All notifications will be made by using the template in VNS. The letters created by the template must not be altered in any way that will affect their content or overall appearance.

However, the Victim and Witness Notice form (BP-323) may be completed as needed for the appropriate notification. The initial notification letter must include a copy of the Department of Justice Victim Notification System Pamphlet.

Initial and subsequent notifications will be sent via regular mail with the **exception** of escape notifications, which must be mailed via certified mail, return receipt requested.

The "Contact Preferences" option may **only** be used for initial designation notifications.

The Unit Manager is responsible for ensuring that notifications are timely and accurate in the following circumstances:

(1) **Initial Notification.** VNS will create a pending initial notification (initial designation) once the inmate's sentence computation has been completed. Unit staff will complete the initial notification to the victim(s) within **30** calendar days of the date the notification was posted on VNS. All initial notifications (initial designation) can be made using the "Contact Preferences" option which allows the preferred notification method of the victim to be used when processing this type of notification.

If the victim's preferred method of notification is a letter, the victim will also be provided a copy of the Department of Justice Victim Notification System Pamphlet which contains a brief description of VNS procedures and instructions for accessing the Victim Notification Call Center.

If Central Office staff or the institution VWC enters a victim into VNS, an initial notification (initial BOP) will be generated in VNS. In this type of notification, staff cannot use the "Contact Preferences" option for providing notification. Unit staff will complete an initial notification letter and mail it with the Department of Justice Victim Notification System Pamphlet, to the victim(s) within 30 calendar days of the date the notification was posted on VNS.

If the "Contact Preferences" option is utilized for initial designation notifications, unit staff will retrieve from VNS and review a Call Tracing Report and a Notification Report by the next work day to ensure each victim received notification. If the victim's preferred method of contact was unsuccessful, staff must follow-up with an initial notification letter to the victim. The Call Tracing Report and the Notification Report used for verification of the completed contact will be maintained in the Privacy Folder, Section I of the Inmate Central File.

(2) **Parole Hearings.** Pending parole notifications will be created by VNS 60 calendar days in advance of the date of the anticipated parole hearing. Unit staff must mail the notification letter(s) to the victim(s) 30 calendar days in advance of the parole hearing.

VNS uses the parole hearing date entered in the SENTRY Parole Hearing Update transaction to create the parole hearing notification. Therefore, it is essential that unit staff update the parole hearing date in SENTRY in order to receive notifications from VNS. For example, if the Case Manager enters a parole hearing date of "09-2001," VNS will read this as "09-01-2001," and will forward a notification to the Case Manager on 07-01-2001.

VNS does not automatically create pending notifications for record review hearings, therefore, unit staff are required to manually create the pending notification(s) utilizing the BP-323 form within VNS. Notification to the victim(s) will ordinarily occur nine months prior to the Presumptive Parole date, which coincides with when the record review Progress Report is mailed to the U.S. Parole Commission.

Additionally, unit staff must prepare a memorandum to the U.S. Parole Commission (Attachment A) indicating a victim (not to be specifically identified) may wish to submit written comments or attend the hearing. This memorandum must be included in the review material provided to the Parole Examiners before the hearing.

(3) **Escapes.** Unit staff must notify each victim by telephone as soon as possible after the escape is discovered and confirmed (normally the same day), and provide the date and time of a VWP inmate's escape. If there are multiple victims in the case, unit staff may contact the VNS Call Center via fax using the Escape/Immediate Release/Call Cancellation form (Attachment H) to initiate the telephonic notification system.

If telephonic contact is **not** possible, unit staff will complete the notification process by forwarding a BP-323 form to the victim by the next work day via certified mail, return receipt requested. If telephonic contact is made, unit staff will complete the notification process by forwarding a BP-323 form to the victim within seven calendar days via certified mail, return receipt requested.

When the VNS Call Center is utilized to process the notification(s), unit staff will review a Call Tracing Report retrieved from VNS for that case by the next work day to ensure each victim received notification. The Call Tracing Report will be maintained in the Privacy Folder, Section I of the Inmate Central File. If the system is unable to contact the victim(s), unit staff will follow-up with Directory Assistance and/or alternate contacts, to obtain the correct telephone number and contact the victim immediately.

The sending institution is responsible for notification(s) for escapes which occur during an unescorted transfer. If an escape occurs while a VWP inmate is housed in a CCC or a state contractual facility, the CCM is responsible for notifying the victim(s) as soon as the escape is confirmed (normally the same day).

Once the CCM or Unit Manager receives information that the inmate has been apprehended, the victims/witnesses will be notified of the apprehension. The CCM or Unit Manager are responsible for ensuring the BP-323 form is mailed as soon as possible, but no later than **30** calendar days after receiving notification of apprehension. The date the inmate was apprehended and current location or designation, if known, will be indicated on the BP-323 form (section 8). The CCM will forward copies of the BP-323 form to the parent institution to be included in the Privacy Folder, Section I of the Inmate Central File.

(4) **Furloughs/Unescorted Transfers.** VNS does not automatically create pending notifications for furloughs or unescorted transfers, therefore, unit staff are required to manually create the pending notification(s) within VNS.

Completion of the BP-323 form for unescorted transfers will include the institution's name and address, and the date of the transfer. Completion of the BP-323 form for an inmate approved for a furlough will **only** include the city and state, and the dates the furlough will take place.

If circumstances do not permit advance written notification, unit staff will furnish the BP-323 information to the victim(s) by telephone. If telephonic notification is not possible, unit staff must document all efforts made to contact the victim on the Victim Notification Record (Attachment B).

(5) **Inmate Death.** VNS will notify unit staff within 24 hours of SENTRY being updated to reflect the inmate is deceased. Unit staff will forward a BP-323 form to the victim within **30** calendar days.

(6) **Transfer to a Community Corrections Center.** VNS will automatically forward notification to unit staff once a CCC acceptance date has been entered by community corrections staff. Unit staff will complete a BP-323 form. This BP-323 form is considered final notification and will be forwarded to the victim(s) via regular mail. When written notification to the victim will not likely arrive in advance of the CCC transfer, telephonic contact with each victim will be made.

Ordinarily, the notification of CCC placement is the final BP-323 notification to the victim/witness; however, if an event (escape, death, immediate release) in the CCC occurs, the CCM will send additional notifications to the victim/witness. CCM's are prohibited from forwarding victim/witness information to CCC staff, therefore, CCM staff will notify the victim/witness when

the VWP inmate is released on furlough while at the CCC, using the same notification procedures outlined in Section 12.c.(4) of this Program Statement.

(7) **Release to the Street.** VNS will create a final release notification within 60 calendar days of the inmate's projected release date. Within 30 calendar days of receipt of this notification, unit staff will forward a completed BP-323 form to the victim via regular mail.

Telephonic contact must be made when the inmate's release is unexpected and/or immediate (i.e., court-ordered release, etc.). Unit staff may contact the VNS Call Center via fax using the Escape/Immediate Release/Call Cancellation form (Attachment H) to initiate the telephone notification system. Unit staff will complete the notification process by forwarding a BP-323 form to the victim/witness by the next work day via regular mail.

When the VNS Call Center is utilized to process the notification(s), unit staff will review a Call Tracing Report retrieved from VNS for that case by the next work day to ensure each victim received notification. The Call Tracing Report will be maintained in the Privacy Folder, Section I of the Inmate Central File.

If the system is unable to contact the victim(s), unit staff will follow-up with Directory Assistance and/or alternate contacts, to obtain the correct telephone number and contact the victim immediately.

A completed BP-323 form must also be forwarded to the victims/witnesses for those inmates releasing to detaining authorities (INS, other state or local law enforcement detaining authorities, treaty transfer to a foreign country, etc.) via regular mail.

(8) **Compassionate Release.** VNS does not automatically create pending notifications for compassionate release consideration, therefore, unit staff are required to manually create the pending notification within VNS.

During the institution's review of the inmate's request for compassionate release, the unit staff must notify the victims and solicit comments to be incorporated into the Wardens referral memorandum in accordance with the Program Statement on Compassionate Release, Procedures for Implementation of 18 U.S.C. § 3582(c)(1)(A) and 4205(g).

(9) **Writs.** Unit staff are not required to notify

victims/witnesses when a VWP inmate is temporarily released on writ to other law enforcement authorities, or an escorted trip. In the event of an escape or death of an inmate temporarily released on Federal writ, unit staff from the holding institution must make the required notifications. All other writ cases will require unit staff from the parent institution to make the required notifications in accordance with Section 13.c.(3) and (5) of this Program Statement.

14. **RE-COMMITMENT OF A VWP INMATE.** The following procedures apply to VWP inmates returned to Federal custody for new criminal conduct, or for violation(s) of community supervision (parole, supervised release, mandatory release, probation violator, CCC failures, etc.).

Staff must ensure that a current VWP assignment is entered in SENTRY and that any prior VWP assignment is removed.

a. **VWP Recommitment Cases - Violation of Supervision.** Staff must notify each victim of a VWP inmate's return to Federal custody due to a violation(s) of community supervision, when the violation is associated with the original sentence in which the inmate's initial VWP assignment was assigned.

The Unit Manager will ensure the original Central File is immediately requested upon the inmate's arrival at the designated institution.

Unit staff will review the available information in VNS. If the inmate and victim information was previously loaded into VNS due to a prior commitment, unit staff will complete a BP-323 form and mail it to the victim within 30 calendar days from the date VNS creates a pending notification.

If the inmate and victim information was **not** previously loaded into VNS, the VWC is responsible for entering the information into VNS, updating the VWP assignment in SENTRY, and ensuring a BOP initial notification is created in VNS. A notification letter will be mailed to the victim(s) within 30 calendar days of unit staff receiving the pending notification.

b. **VWP Recommitment Cases - New Criminal Conduct.** VWP inmates who are returned to Federal custody as a result of new criminal conduct must be reviewed to determine if the VWP assignment still applies. Unit staff must request cancellation of the VWP assignment if it is determined that an inmate has completed his or her sentence, and all other supervision requirements associated with the initial sentence imposed, which resulted in the inmate's VWP assignment. Unit staff must use the procedures

outlined in Section 15 of this Program Statement when requesting cancellation approval.

15. [CANCELLING THE NOTIFICATION REQUEST §551.153

a. A victim and/or witness may request cancellation of the notification by contacting either the Bureau of Prisons or the U.S. Attorney from the prosecuting district. The Bureau of Prisons shall notify the victim and/or witness that his or her request for notification has been cancelled.

b. Bureau of Prisons staff may cancel a notification request when the victim and/or witness has not responded within 60 calendar days to a Bureau of Prisons inquiry concerning whether the victim and/or witness wishes to continue receiving notification of the inmate's release(s).]

Unit staff must take the following steps **prior** to canceling the notification requirement in VNS if a letter is returned to the institution following an attempt to complete notification:

- ! Unit staff must document on the Victim Notification Record, (Attachment B), all efforts to contact the victim/witness, as well as the reason(s) for the attempted contact (i.e., inmate returned as a parole violator).
- ! If the letter is returned, unit staff must contact Directory Assistance to verify address information or to determine if an address change has occurred.
- ! Contact the appropriate U.S. Attorney's Office VWP Coordinator for his or her input.

The Unit Manager will forward a brief memorandum to the Assistant Administrator, Correctional Programs Branch, Unit Management Section, Central Office, via BOPNet GroupWise, when all attempts to notify the victim have been unsuccessful for **60** calendar days from the date of the mailing. This memorandum must provide a brief explanation of all actions taken and efforts made to contact the victim.

If the cancellation request is approved, VWP staff from Central Office will send an electronic mail message to the Warden. Central Office will access VNS and remove the notification requirement contained on the specific victim's information sheet. The memorandum will be filed in the Privacy Folder, Section I of the Inmate Central File. Unit staff will make an entry on the Victim/Witness Notification Record (Attachment B) indicating that

VWP notification is no longer required for the specific victim.

[c. A notification request by a victim and/or witness ordinarily terminates when the inmate has completed service of the sentence for the serious crime which resulted in the request for notification.]

d. The Unit Manager will document in the form of a memorandum the name, address and telephone number of the individual who provided information that a victim is deceased. This memorandum will be forwarded via BOPNet GroupWise to the Assistant Administrator, Correctional Programs Branch, Unit Management Section, Central Office, as a request to remove the victim's name from the program.

If the cancellation request is approved, VWP staff from Central Office will send an electronic mail message to the Warden. Central Office will access VNS and remove the notification requirement contained on the specific victim's information sheet. The memorandum will be filed in the Privacy Folder, Section I of the Inmate Central File. Unit staff will make an entry on the Victim/Witness Notification Record (Attachment B) indicating that VWP notification is no longer required for the specific victim.

16. TELEPHONE/VISITING LIST. Unit staff must carefully and thoroughly review the visiting/telephone list of a VWP inmate (to include pretrial, holdovers and detainees if VWP status is known), to ensure the inmate is not attempting to communicate with his or her victim(s) without prior written approval. Prior to approving victims(s) for inclusion on the inmate's visiting or telephone list, the Unit Manager must:

a. Contact the appropriate U.S. Attorney's Office VWP Coordinator for his or her input;

b. Ensure that the victim is informed of the inmate's request; and

c. Obtain written approval from the Warden before placing the victim on the inmate's visiting or telephone list.

If the victim advises staff that they do not wish to be placed on the inmate's visiting and/or telephone list, the inmate will be informed of the denial in accordance with the Program Statements on Telephone Regulations for Inmates and Visiting Regulations.

17. CORRESPONDENCE AND FILING. The Unit Manager is responsible for ensuring all notification and filing procedures comply with policy requirements.

a. Once notification(s) have been completed, staff will retrieve a Notification Report from VNS which lists the victims who received notification. This report will be maintained in the Privacy Folder, Section I of the Inmate Central File. Unit Managers will verify and document on Attachment B, that all notifications have been completed.

b. When sending certified mail, the inmate's name and register number must not be noted on the certified mail return receipt requested (green and white card). Once the receipt has been returned to the institution, it must be filed in the Privacy Folder, Section I of the Inmate Central File.

c. Unit staff must document all communication (e.g., telephone, certified mail return receipt requested, correspondence, etc.) with a victim(s), including unsuccessful contact attempts, on the Victim Notification Record, Attachment B. The Victim Notification Record must be filed in the Privacy Folder, Section I of the Inmate Central File, and may not be disclosed to the inmate. This information may only be disclosed to court officials or law enforcement agency personnel on a need-to-know basis.

d. An inmate's inclusion or the victim's participation in VNS must not be disclosed to the inmate or any unauthorized third party. This condition is not to preclude staff who manage mental health cases or other potentially dangerous inmates from taking actions that are intended to protect victims and the community.

e. Material that indicates an inmate's VWP status (markings, rosters, notations, etc.) must not be filed in the disclosable sections of the Inmate Central File. If staff believe this information has been compromised, the Correctional Programs Branch, Victim/Witness Program Section, Central Office, must be notified immediately.

A careful review must be conducted when inmates request to correspond with their victims/witnesses (for example, a family member or spouse). In the event staff become aware that a VWP inmate is corresponding inappropriately with his or her victims/witnesses, the Unit Manager must notify the institution's Special Investigative Supervisor (SIS) and request that the inmate be placed on the institution's mail monitoring list. The Unit Manager will also follow the procedures contained in the Program Statement on Correspondence if it is deemed necessary to place the inmate on Restricted General Correspondence status.

18. **COMPROMISED VICTIMS.** If an inmate inadvertently is made aware of a victim's identity, the following procedures must be followed:

a. VWC will notify Central Office VWP staff of the security breach by sending an e-mail to the Victim-Witness Group mailbox.

b. Unit staff will contact the appropriate Victim-Witness Coordinator in the U.S. Attorney's Office by telephone.

c. Unit staff will notify SIS and place the inmate on mail monitoring.

d. Unit staff will counsel the inmate instructing the inmate to have no contact with the compromised individual. The counseling session will be documented on the Victim Notification record (Attachment B).

e. The Warden will forward a letter to the affected victim(s), with copies to the USAO Victim-Witness Coordinator, and Central Office Victim-Witness staff.

19. **STAFF NOTIFICATION.** Any Bureau employee may request notification of an inmate's release or release-related proceedings by completing and forwarding a Staff Request for Victim Notification (Attachment C) to the Warden. The Warden must provide any relevant comments and forward the request to the Senior Deputy Assistant Director, Correctional Programs Division, who is the approving authority. The Senior Deputy Assistant Director will review the request and notify the Warden of the decision via a Staff Request for Victim Notification (Attachment D). Upon approval, Central Office VWP staff will enter the inmate and victim information in VNS.

For inclusion in the VWP notification process, staff must ordinarily meet the criteria established for being a "victim" or "witness," and "serious crime" as defined in Sections 8.a., 8.b., and 8.c. of this Program Statement. The VWP inmate must be serving a Federal sentence or be under Bureau jurisdiction.

20. **TRAINING.** All Bureau employees must receive information and training on staff responsibilities as part of the Introductory Correctional Training for new employees at the Federal Law Enforcement Training Center, Glynco, Georgia and at subsequent institution Annual Refresher Training.

21. **PUBLIC RELATIONS.** Bureau staff must maintain a high degree of professionalism and sensitivity at all times when dealing with victims.

At the end of each fiscal year, each institution must submit a "Best Efforts" Report to its Regional Office. The reporting period is October 1st through September 30th. The Institution's "Best Efforts" Reports will be prepared and addressed to the Regional Correctional Programs Administrator by November 1st.

Each Regional Office consolidates those reports and submits a Regional "Best Efforts" Report to the Central Office, Correctional Programs Branch, with attached copies of institutional reports, by December 1st. Central Office VWP staff will forward the Bureau's "Best Efforts" Report to the Office for Victims of Crime as mandated in the Attorney General's Guidelines.

The "Best Efforts" Report submitted must include:

- ! The number of notifications made to victims to include initial notifications and release related notifications;
- ! The number of inmates involved;
- ! Descriptive information or procedures which have been used in illustrating program accomplishments (i.e., community contacts, training efforts for staff);
- ! Exceptional cases handled that required contact with victims/witnesses and other agencies;
- ! Inmate programs;
- ! Institution FRP collections; and
- ! Escape Notifications.

22. **STUDY AND OBSERVATION COMMITMENTS.** Inmates committed to Bureau custody under 18 U.S.C. §§ 4243(e), 4244, 4245, or 4246 and identified as VWP cases will be processed the same as sentenced VWP cases. Routine notification procedures referenced in Section 12 of this Program Statement apply.

If written notification is not possible due to the issuance of a Court Order for Conditional Release, institution staff must make telephonic contact with the victim immediately upon receipt of the Court Order. Victim notification must be made prior to the inmate's actual release from custody and documented on the Victim Notification Record (Attachment B).

23. **CALL CANCELLATION (Attachment H, Section 2).** When a person contacts unit staff indicating they are inadvertently being called by VNS, Attachment H shall be faxed to the VNS help desk to discontinue the call.

/s/

Kathleen Hawk Sawyer
Director

FEDERAL BUREAU OF PRISONS

DATE:

REPLY TO

ATTN OF: _____, Unit Manager

SUBJECT: **Victim/Witness Notification**

TO: U.S. Parole Commission/Mini-File (Section 1)

RE: (NAME) _____

(NUMBER) _____

(INSTITUTION) _____

The above-referenced inmate is subject to the provisions of the Victim and Witness Protection Act of 1982 (Public Law 97-291). This inmate is scheduled for a hearing before the U.S. Parole Commission during the week of _____.

All victims and/or witnesses have been notified of this hearing. They have also been advised that they may appear before, and offer a statement at, this hearing or send comments to your office for consideration prior to this hearing. If requested, these comments may be kept confidential from the inmate.

This information is being provided for informational purposes only. There is no obligation for your agency to contact any victim and/or witness. If you have any questions regarding this case, please contact me or the Case Management Coordinator at the following number (FTS):_____.

cc: Privacy Folder, Section I, Inmate Central File