



*State of North Carolina  
Department of Correction  
Division of Prisons*

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***POLICY AND PROCEDURE***

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**.0901 POLICY**

The Division of Prisons (DOP) is committed to providing services to victims of crime with an emphasis on collaboration, consistent practice, and in compliance with federal and state statutes. To enhance DOP services to victims of crime, DOP works closely with the NC Department of Correction's Office of Victim Services (OVS) in responding to crime victims.

**.0902 SOURCES**

Division of Prisons, Policy & Procedure, Chapter D Section .0200, .0502, and .0601, Division of Prisons, Policy & Procedure, Chapter B Section .0200, Division of Prisons, Policy & Procedure, Chapter E Section .0700, N.C.G.S. 15A-836, 148-5.1, 148-10.2 and ACA Standard 4-4447: Victim Notification Release, Division of Prison's Health Services Policy and Procedure Manual.

**.0903 DEFINITIONS**

- (a) Victim: Under NC General Statute, the Crime Victims' Rights Act specifies the definition of a "victim" as the direct victim of the crime or their next of kin (spouse, children, parents, siblings or grandparents), where the victim is deceased, for certain crimes that are committed after July 1, 1999. The NC Department of Correction goes beyond the legal definition and allows all victims regardless of the crime or when the crime occurred to be designated as a "victim". In addition, the legal guardian of a minor victim will be considered the victim.
- (b) Interested Party: The NC Department of Correction considers those individuals who have a public safety interest in the status of the offender or those who have been victimized by the offender but are not the victim of the offender's current incarceration as an "interested party". Individuals given this designation will receive the same services as victims. Examples include but are not limited to: criminal justice professionals such as law enforcement agencies or district attorney's offices, divisions of social services, extended family of the victim, someone acting as a parent to the victim, etc.

**.0904 VICTIM CONFIDENTIALITY**

- (a) Information provided by victims is strictly confidential and is not to be released to offenders or the public.
- (b) OPUS screens containing victim information are not to be unattended on computers and should not be viewable by inappropriate personnel or offenders.

- (c) Any printed OPUS screens should be kept in a locked location and shredded as soon as possible.
- (d) Other printed materials (emails, letters, etc.) containing victim information are to be shredded as soon as possible unless they are to be filed confidentially in the inmate's file.
- (e) Each facility will have written procedures for how confidential victim-related information will be managed.
- (f) Only appropriate personnel shall have access to victim information.
- (g) Any employee who releases confidential information is subject to appropriate disciplinary action.

#### **.0905 ROLES AND RESPONSIBILITIES OF THE OFFICE OF VICTIM SERVICES**

- (a) The Secretary of the Department of Correction established the DOC Victim Services in 1998 as part of the Office of Citizen Services (OCS). OCS was later dissolved and the Office of Victim Services (OVS) was established. OVS was created to assist the Divisions in meeting victim legislative mandates and to promote additional victim services through the development of educational materials, programs, policies, and procedures with the Divisions. OVS shall provide to the Division of Prisons the following:
  - (1) Serve as the primary contact and resource for victims to inquire with procedural questions pertaining to the Division of Prisons.
  - (2) Provide expertise for current or new programs, policy and procedures which affect victims of crime.
  - (3) Provide updates to DOP personnel regarding changes to policy, legislation, or services which affect victims of crime.
  - (4) Serve as the primary contact for professional and technical resources for DOP personnel in their responsibility to manage victim issues/concerns at their facility.
  - (5) Provide training or training coordination, whether required or auxiliary, to DOP personnel regarding victim services, policies, or programs.
  - (6) Develop and distribute victim educational materials for the Division of Prisons.
  - (7) Facilitate victim notification programs department-wide.
  - (8) Manage the SAVAN (Statewide Automated Victim Assistance and Notification) system for DOC, including the Division of Prisons.

- (9) Work in consultation with facility heads and Regional Program Coordinators in monitoring Victim Information Coordinator selections and activities statewide.
- (10) Approve and monitor the assignment of the Victim Information Coordinator OPUS profile which allows access to confidential, victim-related screens. Specific OPUS victim-related screens serve as a central location to confidentially document contact with victims for the Department.
- (11) Update, publish and distribute the Victim Information Coordinator Roster.
- (12) Apprise the DOP Victim Services Coordinator of critical victim issues, training, and information updates.
- (13) Address with the Region Directors, Region Program Coordinators, Facility Heads, and Victim Information Coordinators the implementation of, and response to, critical victim issues and significant training or information updates.

**.0906 ROLES AND RESPONSIBILITIES OF THE DOP VICTIM SERVICES COORDINATOR**

- (a) The Division of Prisons has designated a senior staff member to serve as coordinator for DOP Victim Services and this person shall have the following responsibilities:
  - (1) Be a point of contact for OVS to DOP administration for critical or high profile victim issues.
  - (2) Serve as a liaison for OVS to DOP Program Services.
  - (3) Assist OVS with issues effecting Regional Program services.
  - (4) Inform OVS of changes or additions to DOP Program Services, policies or procedures.
  - (5) Update OVS on changes to OPUS which will affect the SAVAN system or other data management issues which could affect victim data.
  - (6) Work with OVS to maintain up-to-date and accurate DOP victim services policies.
  - (7) Represents and acts as the authority for the DOP in meetings or other forums for the program.
  - (8) Ensure that division personnel participate in multi-regional information and training sessions in regards to the area of victim services.
  - (9) Serve as the clearing house for information about the program for division staff.

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**.0907 ROLES AND RESPONSIBILITIES OF DOP REGIONAL PROGRAM COORDINATORS**

- (a) The Division of Prisons has designated the Regional Program Coordinator to manage victim services in their respective region under the direction of OVS and the DOP Victim Services Liaison.
- (1) Be the main point of contact for OVS regarding regional victim-related issues.
  - (2) Serve as the authority for the region to resolve victim-related issues.
  - (3) Inform Victim Information Coordinators of victim-related issues and work with them to resolve the issue as outlined in this chapter.
  - (4) Collaborate with OVS to identify training needs, program development, and program standards compliance in regards to the area of victim services.
  - (5) Ensure program quality assurance for victim services program standards and services at the prison facilities.
  - (6) Monitor Victim Information Coordinator selections and activities within their region in consultation with facility heads and OVS.
  - (7) Be responsible to notify OVS of Victim Information Coordinator selection changes.

**.0908 ROLES AND RESPONSIBILITIES OF DOP VICTIM INFORMATION COORDINATORS**

- (a) Each facility will have at least two Victim Information Coordinators that are selected by the facility head. One should be designated as the primary coordinator and one should serve as the back-up coordinator to ensure that this function is available as needed. Individuals selected to perform this task should be well informed of the Victim Services Policy.
- (b) Victim Information Coordinators have the following roles and responsibilities for maintaining their position:
- (1) Attend required training offered and approved by OVS.
  - (2) Serve as the primary contact for calls and inquiries from victims which are received at the facility and respond in a timely manner.
  - (3) Ensure program quality assurance for victim services program standards and services within the prison facility.

- (4) Document all victim contacts on victim-related OPUS screens (OR07, OR08, & OR09).
- (5) Screen all victim contacts for significant issues and respond appropriately as specified in this chapter.
- (6) Ensure chain of command is aware of significant issues as outlined further in this chapter.
- (7) Ensure chain of command is aware of legal, procedural, and policy changes pertaining to victim issues.
- (8) Be responsible for responding to victim inquiries with information that complies with the release of public information as noted in Chapter D .0502 and .0601.

#### **.0909 NOTIFICATIONS**

- (a) Under the provision of the 1999 NC Crime Victims' Rights Act (CVRA) (G.S. 15A-836), victims of incarcerated offenders are to be provided information and notification of certain events as noted in the legislation. While the CVRA defines who is to receive notification, DOC voluntarily exceeds the legislature's mandate by providing the notifications described below for all victims regardless of the crime or when the crime occurred. It is important to note that it is the responsibility of those who have requested notification to notify DOC of any changes in address or telephone number. Without this information, DOC is unable to provide notification to those who have requested it.
- (b) Notification is one of several victim services offered by the Department. While registration for notification is a key safety measure for many victims, registration is not required to access other victim services or public information provided by the Department.
- (c) All notifications are generated by updates made to offenders' records in the OPUS computer system. Letters are printed by MIS and are reviewed and mailed by Combined Records. OVS facilitates the notification program department-wide and Combined Records manages the notifications on behalf of DOP.
- (d) For victims to be notified of inmate status changes defined in the CVRA, the victim must be registered with the Department of Correction for notification. Registration requires the receipt of the Victim Restitution Work Sheet (AOC-CR-611) from the Clerk of Court or submission of an OVS Notification Request form that may be submitted to NC DOC Combined Records or OVS.
- (e) The following notifications will be provided to registered victims as mandated under G.S. 15A-836:
  - (1) The inmate's projected release date from imprisonment.

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- (2) An inmate's assignment to a minimum custody unit, the address of the unit and notice that this custody change may lead to the inmate's participation in community based programs.
  - (3) The victim's right to submit any concerns to the Division of Prisons and the procedure for submitting such concerns.
  - (4) The inmate's escape from custody.
  - (5) The inmate's capture.
  - (6) The date of an inmate's release – whenever practical, given 60 days prior to release, but not less than 7 days.
  - (7) The death of the inmate.
- (f) In addition, DOC Combined Records notifies victims of an inmate's return to prison from post-release supervision, parole, or revocation on a contingent probation case and subsequent additional release.

**.0910 SAVAN**

- (a) In addition to the Notifications outlined in .0909, DOC has contracted with a company to provide additional avenues for notifications to victims of crime. The Statewide Automated Victim Assistance & Notification system (SAVAN) is an automated telephone and email notification and information system. It provides notification to individuals that register by telephone or email address. The SAVAN system is directly linked to OPUS. Notifications for SAVAN are triggered by specified data entries into OPUS. The State has contracted the services of SAVAN so it is not owned or controlled by DOC. However, OVS is the central point of contact for DOC for any SAVAN issues.
- (b) OVS must be contacted regarding any OPUS changes which may affect the data which DOC uploads to SAVAN.
- (c) Each registered individual has a personal identification number (PIN) to enter upon receiving notification. If a PIN number is not entered, SAVAN will continue to send the notifications at set intervals for a 24-hour period.
- (d) A person receiving calls must contact OVS to have the calls stopped if they do not have the PIN code or are receiving the notifications in error.
- (e) SAVAN provides the following notifications for registered victims:
  - (1) Notification of projected release date upon audit after admission.
  - (2) Notification of release from prison with supervision.

- (3) Notification of release from prison without supervision.
- (4) Notification of escape.
- (5) Notification of capture.
- (6) Notification of placement into minimum custody.
- (7) Notification of inmate's death (delayed for inmate family notification).

#### **.0911 RESPONSE TO SIGNIFICANT ISSUES**

- (a) The Division of Prisons and the Office of Victim Services has identified key significant issues and appropriate responses to them. These issues are considered significant due to their connection to legislative mandates or serious safety concerns expressed by victims. Providing consistent and appropriate responses is essential to serving victims and reducing re-victimization.
- (b) If the Victim Information Coordinator receives written correspondence or a verbal inquiry from a victim that does not contain significant issues or facility specific questions, he/she will forward the letter or caller to OVS for a response and document the action on the victim related OPUS screens (OR07, OR08, & OR09).
- (c) The following is the responsibility of the Victim Information Coordinator unless otherwise specified.
  - (1) If DOP staff or close relatives of DOP staff are, or become, victims of an inmate follow all appropriate critical incident procedures if appropriate and once a critical incident has been managed or for issues which do not require a critical incident response then the following shall occur:
    - (A) Identify the case as a significant issue.
    - (B) Do not document the victim's concern on victim-related OPUS screens (OR07, OR08, & OR09).
    - (C) Alert the facility head or designee.
    - (D) Central monitoring issues are to be referred to the Classification & Technical Support Manager in the central office to consultation, review, and disposition. The facility head or designee shall alert the Classification & Technical Support Manager in the central office to consult whether or not an IM04 central monitoring is necessary to avoid placement of the inmate where the staff victim is employed.
    - (E) Refer the staff victim to OVS for information and referrals.

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- (F) Provide information to the staff victim about their option to oppose the location of the inmate.
  - (G) In addition to IM04, if the staff victim chooses to also oppose the inmate's location for an entire county, continue with procedures as outlined in .0911(c) (3) (C).
- (2) Inmates whose calls or letters to victims contain "bizarre" thoughts, language or patterns:
- (A) Identify the case as a significant issue.
  - (B) Document the concern on victim-related OPUS screens (OR07, OR08, & OR09). Include the name of the victim, his/her relationship to the victim, his/her relationship to the inmate, his/her concerns, and the steps taken.
  - (C) If the victim has any written documentation, ask the victim to send their concerns in writing along with a copy of the letter and envelope sent by the inmate to OVS either by mail or fax.
  - (D) The letter, or written documentation of the phone conversation, shall be forwarded to the psychological services' staff and OVS. If the information was received in writing and submitted by the victim, OVS shall respond to the victim in writing.
  - (E) If the information was submitted by someone who is not the victim, DOP will respond in writing.
  - (F) Mental health information is confidential as outlined in the DOP Health Services Policy and Procedure Manual. However, victims may submit information about the inmate's mental health and that information shall be immediately forwarded to psychological services.
  - (G) Alert the facility head or designee.
- (3) Inmate Location:
- (A) The Division of Prisons is responsible for ensuring the safety and security for the citizens of North Carolina, and also for facilitating opportunities for offenders to become productive citizens upon release. Sometimes conflict occurs when the victim feels that an inmate's placement in a facility in the county in which the victim lives or works poses a safety risk but the placement may also serve as an opportunity for the offender's rehabilitation and/or skill development for successful reintegration into society upon release. In this situation, if the Division cannot find that the inmate poses a direct threat to the victim, it must then carefully review the

interests of the victim, inmate, and community and weigh these factors in making a decision.

- (B) Under General Statute 148-5.1, victims with safety concerns have the right to request that the offender's housing or community based programs placement not be in the county for housing in or assignment to a community based program in the county which the victim who has made such a request resides or is employed. DOP Administration will review alternative placements for the inmate. Reasonable effort will be made to place the offender in a location other than the conflict county unless such placement is necessary to meet requirements of mental or medical treatment, court, gender and age of the offender, custody and control, rehabilitation, and other situations deemed critical by the Department. Prior to final approval of an inmate's assignment to housing or community based programs assignment, OPUS screens will be reviewed to ensure that this will be one of the factors considered during the review.

To review all pertinent victim information found on the following OPUS screens prior to a placement in minimum custody or on a community-based program.

- (i) OR93 - Victims of Offender screen (notification)
  - (ii) OR14 - Offender Comments screen (official crime version)
  - (iii) IP60 - Significant Issues/Case Management List screen
  - (iv) OR07, OR08, & OR09 - Victim Contact screens
  - (v) IM06 - Victim Prohibited Counties screen (note: this screen should be checked on any transfer).
- (C) A victim expresses concern for their safety because an inmate is currently assigned or may be assigned to a facility or community-based program in close proximity to their home:
- (i) Identify the case as a significant issue.
  - (ii) Document the concern on victim related OPUS screens (OR07, OR08, & OR09). Include the name of the victim, his/her relationship to the victim, his/her relationship to the inmate, his/her concerns, and the steps taken.
  - (iii) Ask the victim to send their concerns/requests in writing to OVS either by mail or fax. Offer the victim the option to complete an

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“Opposition to Inmate Location” (OVS-04) form and inform them to mail or fax the completed form to OVS .

- (iv) OVS will determine the appropriateness of placing a county block using guidelines set forth in NC General Statute. 148-5.1 and will then place the block in the OPUS system (IM06).
- (v) OVS will respond to the victim in writing that a county block has been placed for the requested county. OVS will state that DOP has authority over the placement of the inmate and if the inmate is to be placed in the blocked county, DOP shall contact the victim in writing explaining their decision.
- (vi) If a county conflict does not exist, no further action is needed.
- (vii) If a county conflict exists at the time the block is placed or at any time the inmate is incarcerated, OVS will contact Central Monitoring to request that the inmate be transferred to another facility.
- (viii) If an override exists for a county conflict, OVS will notify the Regional Program Coordinator of the victim concern and then will send a coversheet and any appropriate attachments. The Regional Program Coordinator will research the reason for the override and report back to OVS. If DOP cannot accommodate the county block request, the Regional Program Coordinator shall notify the victim in writing explaining the reasoning of the decision. OVS shall monitor the county conflict on IM06 and notify the Regional Program Coordinator if, and when, the conflict is resolved. If, and when, the inmate is transferred and the county block request is granted, the Regional Program Coordinator shall notify the victim in writing once the inmate has been transferred with a copy to OVS.
- (ix) Where an override does not exist for a county conflict, the Regional Program Coordinator will notify the Victim Information Coordinator at the facility of the victim concern and then will send a coversheet and appropriate attachments received by OVS. The facility shall place the documents in the inmate file.
- (x) The sending facility shall contact the Victim Information Coordinator at the receiving facility notifying them of the pending transfer.
- (xi) The Victim Information Coordinator at the receiving facility shall notify the victim in writing once the inmate has been transferred. A copy of the letter will be sent to OVS.

- (xii) The Victim Information Coordinator at the receiving facility will document steps taken on the victim related OPUS screens (OR07, OR08, & OR09). All correspondence sent to the victim shall be filed in the inmate file.
  - (xiii) Alert the facility head or designee.
- (4) A victim expresses concern because an inmate is currently participating or being considered to participate in community-based programs such as work release, home passes or community volunteer leave:
- (A) Identify the case as a significant issue.
  - (B) Document the concern on victim related OPUS screens (OR07, OR08, & OR09). Include the name of the victim, his/her relationship to the victim, his/her relationship to the inmate, his/her concerns, and the steps taken.
  - (C) Ask the victim to send their concerns/requests in writing to OVS either by mail or fax.
  - (D) OVS will review submitted concerns/requests and will then forward the request to the Regional Program Coordinator and/or the Post-Release Supervision and Parole Commission for their consideration at any given time. OVS will respond to the victim in writing.
  - (E) The Regional Program Coordinator will review submitted concerns/requests to determine if the regional office will manage the issue or the facility depending on the date of offense, crime class, and length of sentence. Whether the regional office or the facility is making the determination of participation in community-based program, the Victim Information Coordinator will file the documents in the inmate file for review by any regional office or facility.
  - (F) The Regional Program Coordinator or Victim Information Coordinator will document on the victim related OPUS screens (OR07, OR08, & OR09) using “community-based programs” comment type to document that victim concerns have been filed in the inmate file for review when considering inmate participation in community-based programs.
  - (G) OVS will be responsible for forwarding documentation to the Post-Release Supervision and Parole Commission when appropriate for determination of participation in work-release.
  - (H) If the inmate is granted participation in community-based programs and the victim expresses a safety concern about that participation in close proximity to their home, see Chapter D .0911 (c) (3) (C).

- (I) Alert the facility head or designee if warranted.
- (5) Contacts between victims and inmates:
  - (A) Threat or unwanted contact made to a victim from an inmate by mail, telephone or third party:
    - (i) Identify the case as a significant issue.
    - (ii) Document the concern on victim related OPUS screens (OR07, OR08, & OR09). Include the name of the victim, his/her relationship to the victim, his/her relationship to the inmate, his/her concerns, and the steps taken.
    - (iii) Ask the victim to complete a “No-Contact Order Request” form (OVS-03) provided by OVS and submit to OVS by mail or fax. OVS will process the request. DOP personnel are not to process the “institutional” unwanted contact request until instructed by the Regional Program Coordinator or OVS.
    - (iv) Upon receipt of the “institutional” no-contact order request, OVS will notify the Regional Program Coordinator of the victim concern and then will send a coversheet and any appropriate attachments.
    - (v) If the victim is requesting a telephone block, OVS will notify DOP Telecommunications and then will send a coversheet and appropriate attachments.
    - (vi) The Regional Program Coordinator will notify the Victim Information Coordinator at the facility of the victim concern and then will send a coversheet and appropriate attachments received by OVS.
    - (vii) The Victim Information Coordinator shall have the inmate sign an “institutional” no-contact order and will send a letter along with a copy of the signed order to the victim. OVS will receive a copy of the documentation.
    - (viii) The Victim Information Coordinator shall place the “institutional” no-contact order and a copy of the letter sent to the victim in the inmate file. The file will be stamped “No-Contact Order Issued.”
    - (ix) If the victim has a valid, current civil protective order (50B) and the order states that the inmate is not to have contact with them by mail, phone or third-party, a copy of the order shall be placed in

the inmate file. The file will be stamped “No-Contact Order Issued.” The issuance of an “institutional” no-contact is not necessary when a civil protective order (50B) has been issued by the courts. An inmate is subject to both disciplinary sanctions and criminal charges if they violate this court order.

- (x) If the inmate violates the “institutional” or civil protective order (50B), the victim is to notify OVS. The facility will not begin the violation process until instructed by the Regional Program Coordinator or OVS.
- (xi) If the inmate violates the “institutional” no-contact order or civil protective order (50B), OVS will gather the appropriate materials, contact the Regional Program Coordinator and then will send a coversheet and any appropriate attachments. Included in the documentation is an account of the type of unwanted contact (e.g. by telephone, mail or third party) to assist in the investigation process.
- (xii) The Regional Program Coordinator will work with the Victim Information Coordinator and the Disciplinary Hearing Officer to investigate the alleged unwanted contact or threat.
- (xiii) If the inmate is found guilty of violating the “institutional” no-contact order, the inmate will be charged with a B-15, see Chapter B Section .0200.
- (xiv) If the inmate is found guilty of violating the civil protective order (50B), the inmate will be charged with a B-9, see Chapter B Section .0200.
- (xv) The Victim Information Coordinator will acknowledge the victim’s concerns by letter noting any action taken and copy the letter to OVS.

(B) Contact with victims by death row inmates:

Death row inmates are not allowed to have contact with their victim(s)’ surviving family members unless the family members consent to contact in writing. The term contact also includes arranging for a third party to forward communications from the inmate to the surviving family members.

- (i) Information explaining the no contact with victims will be provided to all incoming death row inmates as part of their

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orientation processing. They must sign that they have read and understand the information provided in orientation.

- (ii) Upon receiving a death row inmate, Central Prison / NCCIW will notify OVS. OVS will take the following steps to ensure that victims are aware of the no contact policy from death row inmates:
- (iii) Contact the District Attorney that prosecuted the death row inmate to obtain contact information on the surviving family members. OVS will then notify the surviving family members of the law prohibiting death row offender contact with them unless they provide written consent. The letter will inform the surviving family members to contact OVS if they receive contact from a death row inmate.
- (iv) OPUS documentation will be maintained of all contact information received from the District Attorney on surviving family members and any notifications that have been made to them by OVS.
- (v) In the event a surviving family member contacts OVS to inform of unwanted contact, OVS will contact the appropriate Warden to alert him/her of the violation.

(C) Visits between victims and the offender:

- (i) For visitation between victims and offenders, see Chapter D Section .0200.
- (ii) At this time, DOC does not have programs which facilitate the meeting of victims and offenders, most commonly called "Victim Offender Dialogues". Requests for such meetings shall be forwarded to OVS.

### **.0912 ESCAPE AND CAPTURE PROCEDURES**

- (a) State statute mandates the notification of registered victims/individuals in case of escape or capture. In addition to notifications via automated letters, a more immediate notification is necessary to assist in protecting victim's safety and the following additional procedures shall be followed.
  - (1) When the escape is entered into OPUS, an automated letter will be sent to any victim registered for notification for that inmate.
  - (2) Notification is to be made for escape and capture and it is to be provided by telephone for registered victims/individuals found on OPUS (OR93), preferably by the Victim Information Coordinator for the facility, if available.

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- (3) If the Victim Information Coordinator is unavailable to make the notification, the Office-in-Charge will ensure that the telephone notifications are made. Following an escape or capture, staff will review OPUS screen (OR93) through the series of escape screens to determine if victim notification is required if the facility has not already printed off the alert screens following the entry of "escape" on the IP20 screen which also generates this information.
  - (4) If victims/individuals are listed for notification, the following steps are required as soon as possible but within two (2) hours of the escape or capture:
    - (A) If the victim data contains a home and work number, both numbers should be utilized if necessary to make contact.
    - (B) Local law enforcement agencies should be asked to notify victims who are not available by telephone. Every effort will be made to confirm if law enforcement was able to contact the victims.
    - (C) Documentation is to be made in the local facility log when the notifications are made and are to include who was contacted, the time of the contact, and the person making the notification.
    - (D) The documentation made in the local facility log is to be further documented by the Victim Information Coordinator in the appropriate victim related OPUS screens (OR07, OR08, & OR09). This additional documentation will be made as soon as possible or on the first working day following the escape or capture.
    - (E) Each facility will have written procedures on how to manage escape and capture as it relates to victims.

 10-12-07

Director of Prisons

Date

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