

**Texas Department of Criminal Justice - Victim Services Division**  
**Victim Offender Mediation Dialogue Program**  
**Acknowledgement of Understanding and Affirmation of**  
**VOMD Program Goals and Policies**

The Texas Department of Criminal Justice (TDCJ) Victim Services Division (VSD) Victim Offender Mediation Dialogue (VOMD) program, in accordance with the Texas Code of Criminal Procedure art. 56.13, provides an opportunity for victims or surviving family members of violent crime to initiate an in-person meeting with the TDCJ offender responsible for their victimization. The VOMD program facilitates mediation dialogues between crime victims and offenders who are in TDCJ custody or on parole/mandatory supervision.

The VOMD can be a very sensitive and highly emotional process. The assigned mediator works closely with crime victims and offenders to prepare them for the meeting, and to identify individual support systems and support services. Crime victims have expressed a sense of taking back control after they meet directly with the offender to describe the impact of their victimization and to receive answers to questions regarding the offense. Creative Alternatives to mediation are also an option, and typically include a statement written by the victim for the offender to hear.

*Please initial each item and sign at the end of this document.*

**VOMD Program Goals**

\_\_\_\_\_ Provide victims of violent crime the opportunity:

- To meet with their offender(s) in a safe and structured setting.
- To directly and constructively express to offender(s) thoughts and feelings around the crime.
- To ask questions and receive answers and insight, which only the offender(s) can provide.
- To regain a sense of control over their victimization.

\_\_\_\_\_ Allow offenders the opportunity:

- To face the full impact of their crime upon the victim, and to hear first-hand the depth of impact of the crime on the victim.
- To express remorse and accept responsibility related to their offense and resulting impact.
- To answer questions for the purpose of personal assistance to the victim.

## VOMD Program Policies

\_\_\_ 1. Victim Offender Mediation Dialogue (VOMD) shall be initiated by the TDCJ VSD at the request of a person who is the victim of the offense of sexual assault, kidnapping, aggravated robbery, trafficking of persons, or injury to a child, elderly individual or disabled individual or who has suffered personal injury as a result of the criminal conduct of the offender; a person who is a close relative of a deceased victim; or a person who is the guardian of a victim as defined by Texas Code of Criminal Procedure art. 56.01.

\_\_\_ 2. Persons requesting VOMD who were directly impacted by a crime but who are not designated as a victim by Texas Code of Criminal Procedure art. 56.01 may be considered for participation in a creative alternative to mediation dialogue. The decision on whether to facilitate a creative alternative to mediation dialogue shall be made by VSD staff at the direction of VSD management.

\_\_\_ 3. Participation in the VOMD program is voluntary. The victim or offender may discontinue participation in the program at any time.

\_\_\_ 4. All parties must declare that they are legally competent and empowered to sign an acknowledgment of understanding and affirmation of program goals and policies, a confidentiality statement, and a release of liability. If a party is under the age of 18, a parent or legal guardian must also sign the acknowledgment of understanding and affirmation of program goals and policies, confidentiality statement, and release of liability.

a. In order to begin the preparation process, both the victim and the offender must first sign the Acknowledgement of Understanding and Affirmation of Program Goals and Policies form and the Release of Liability form relieving TDCJ and staff from any liability and declaring that it is not their intention to cause harm to each other or any other party associated with the VOMD process.

b. In order to participate in the in-person VOMD meeting, both the victim and offender must sign the confidentiality statement.

\_\_\_ 5. The VOMD process is intended to facilitate a one-time dialogue between the victim and offender. As such, the VOMD program shall not facilitate ongoing communication between the victim and offender, or communication outside of the VOMD process.

\_\_\_ 6. All offenders must accept responsibility for the crime of record.

\_\_\_ 7. The victim and the offender have the right to obtain legal counsel prior to participating in the VOMD process. The TDCJ VSD shall not share confidential information with legal counsel, and legal counsel shall not be permitted to participate in or attend VOMD meetings.

\_\_\_ 8. The VSD mediator is not a legal advisor and the mediator shall not provide legal advice to any party involved in the VOMD process.

\_\_\_ 9. The VSD staff shall respect a victim's right to self-determination while also working to protect both parties from potentially inappropriate or harmful outcomes of the VOMD process. The VSD staff shall determine on a case-by-case basis if the VOMD process is appropriate for the particular victim and offender. The final decision on whether to facilitate a dialogue between the victim and offender shall be made by the mediator and VSD Management. The VSD has the right to terminate the VOMD process at any point in the

process. Case closure guidelines include, but are not limited to:

- a. If the offender is actively appealing the guilty verdict, the VOMD case shall be closed. The victim may re-initiate the case after the appeal case is closed if the offender is still in TDCJ custody. If the offender is actively appealing the sentence, VSD management shall determine if the VOMD case may proceed.
- b. If open legal matters, including civil, criminal or administrative, are active at the time of the VOMD case, the VSD staff and VSD management may choose to close the VOMD case. The victim may re-initiate the case after those legal matters are closed.

\_\_\_10. All parties must acknowledge understanding that the VOMD process is confidential and agree not to publicly disclose any verbal or written information that is exchanged or shared during the VOMD process, regarding any involved person, the content of the preparation process, or the in-person dialogue itself.

- a. All parties must agree that they will not call the mediator who serves on this dialogue or any party related to the VOMD process to act as witness in any court of competent jurisdiction to testify to facts concerning or relating to the subject matter within this VOMD case, and agree that neither will they subpoena documents, notes, testimony or other information about the VOMD process. However, the parties must acknowledge understanding that other actors, outside the control of the parties to the dialogue, may subpoena testimony or records, or request release of information under the Public Information (Open Records) Act.
- b. All TDCJ VSD documentation regarding VOMD is confidential and shall not become a part of the offender's parole review or community supervision file. Only VSD Staff and assigned mediators shall have access to the VOMD files in the normal course of the VOMD program; however, disclosure of some records may be required by subpoena or by a decision of the Attorney General of Texas.
- c. All parties must acknowledge understanding that confidentiality does not pertain to information that is subject to release under the Public Information (Open Records) Act. Examples include but are not limited to the name of offender, information containing court transcripts, judgment and sentence, and offender status.
- d. All parties must acknowledge understanding that due to mandatory reporting laws, there are exceptions to confidentiality. The TDCJ VSD staff are required to report to the appropriate authorities any suspected abuse or neglect of at-risk populations, and risk of harm to self or others.
- e. All parties must acknowledge understanding that TDCJ VSD staff must adhere to TDCJ policy and report violations of TDCJ rules or victim-contact related court orders.
- f. The VSD mediator and/or the victim or offender may determine that it would be in the best interest of their safety and well-being, for the mediator to discuss general information about the VOMD process with the victim's or the offender's therapist. If that determination is made, the victim or offender shall discuss this with their therapist and sign the appropriate release of information form, prior to requesting that the mediator speak to the therapist.
- g. All parties must agree to refrain from and not engage in any relationship or sharing with media regarding the VOMD case pursuant to VOMD confidentiality. For this purpose, media includes but is not limited to television, film, documentary, internet media, print media and social media.

h. All requests from the media shall be handled in accordance with News Media Relations Policy ED-02.40 and will be referred to the TDCJ Public Information Office.

\_\_\_11. All victims and offenders who choose to participate in VOMD must agree to participate in the preparation, follow-up and evaluation process. The preparation process shall be suspended and the case closed if during a one month period of time the victim fails to respond to three attempted contacts by the mediator.

\_\_\_12. Participation by the victim or offender in the orientation or preparation phase of the VOMD Program shall not guarantee, nor be a commitment that a meeting between the victim and offender will occur.

\_\_\_13. The VOMD initiated case must focus on an offense of record for the offender associated to the requesting victim. The victim and offender shall not use the VOMD process to address any other civil, criminal or administrative issues related to the victim or offender during the mediation process, such as parental rights, custody, child visitation, protective orders or restraining orders.

\_\_\_14. The VSD mediator shall not impose solutions or expectations on the victim or offender.

\_\_\_15. Participation by the offender in the VOMD program is not expected to affect the offender's TDCJ Correctional Institutions Division, parole, state jail, and community supervision status, commutation of sentence or clemency action. The VOMD program is not intended to have any bearing on the participating offender's status in the judicial, appellate or corrections systems.

\_\_\_16. Each VOMD session and length of that session shall be determined by the VSD mediator in conjunction with the supervising authority.

\_\_\_17. The TDCJ VSD shall not guarantee any particular outcome of the VOMD case.

\_\_\_18. The VSD mediator shall inform and obtain the consent of the respective division, agency, unit warden or authority responsible for the supervision of the offender prior to the proceeding with the VOMD process.

\_\_\_19. If all other VOMD policy guidelines are met and procedures followed, victims of offenses outside of the offender's active sentence and/or surrogate offenders may be permitted to participate in VOMD.

### **Acknowledgment of Understanding and Affirmation**

By my initials above and signature below, I acknowledge my understanding and affirmation of the preceding goals and policies of the Victim Offender Mediation Dialogue program of Texas Department of Criminal Justice Victim Services Division.

\_\_\_\_\_  
Participant Name  
(and SID# if applicable)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mediator Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date