

 Corrections and Community Supervision DIRECTIVE	TITLE Apology Letter Bank		NO. 0510
			DATE 08/27/2018
SUPERSEDES	DISTRIBUTION A B	PAGES PAGE 1 OF 3	DATE LAST REVISED
REFERENCES (Include but are not limited to) Directive #4422	APPROVING AUTHORITY 		

- I. **PURPOSE:** By policy, the Department does not allow an incarcerated individual to correspond with a current victim, former victim, or victim for whom he or she is currently under indictment (see Directive #4422, "Inmate Correspondence Program"), either directly or through a third party. In cases where death resulted, the immediate family members of the deceased are deemed to be the victim(s) for purposes of the Department's Directives.
- II. **FUNCTIONS:** Incarcerated individuals sometimes want to write letters of apology to the victim(s) of their crime(s). By writing an apology letter, an incarcerated individual can acknowledge fault and the injury and pain caused to the victim(s), and take responsibility for the crime(s) and the harm caused by the crime(s). An apology letter should not offer excuses.

Apology letters should be submitted to:
NYS DOCCS Office of Victim Assistance
1220 Washington Avenue, Bldg. 2
Albany, New York 12226

The Office of Victim Assistance (OVA) will hold the apology letter and share the fact that an apology letter exists to the victim, only if the victim is registered with the OVA.
- III. **VICTIMS:** The apology letter bank is a safe system for the victim to either receive a copy of the letter of apology that was written by the incarcerated individual or be advised orally of its contents, when and if the victim wishes to take that step.
 - A. Once an apology letter is deposited into the OVA apology letter bank, the OVA will attempt to inform the victim of the existence of the apology letter, if the victim is registered with the OVA.
 - B. The victim will decide if, when, and how the apology letter will be accepted. If accepted, the victim will decide if the apology letter will be read to him or her by OVA staff, and/or mailed to him or her.
 - C. The victim will also choose whether or not to have the incarcerated individual informed that the victim requested, received, and/or had read to him or her the apology letter.
 - D. An apology letter will not be destroyed, even if the victim requests it be destroyed. This allows the opportunity for the victim to change his or her mind at a later date and be able to have the apology letter shared with him or her at that time.

- E. An apology letter that is shared with the victim is a tool the victim is able to use to measure if the incarcerated individual has taken responsibility for the harm he or she has caused. An apology letter is not a vehicle for an incarcerated individual to receive forgiveness.

IV. INCARCERATED INDIVIDUALS: Many incarcerated individuals are sincerely sorry and want their victim(s) to know they are taking or have taken steps to change their criminal thinking and criminal behavior.

- A. For the incarcerated individual who writes an apology letter, it is his or her attempt to communicate accountability, genuine remorse, and acknowledgement for the pain (financial, physical, and/or emotional) caused by his or her criminal action(s).
- B. An apology letter should not offer excuses, nor blame the victim or circumstances, such as an addiction to drugs or the age of the incarcerated individual.
- C. The submission of an apology letter to OVA is voluntary and will not affect the inmate's release date or other conditions of incarceration.
- D. Upon receipt of an apology letter from an incarcerated individual, OVA will send an acknowledgement letter back to the incarcerated individual, with a copy to the facility Deputy Superintendent of Programs (DSP) or functional equivalent. The copy for the DSP shall also contain a copy of the apology letter. The DSP shall then direct the appropriate facility staff to file that copy of the apology letter in the incarcerated individual's parole file. This is the exclusive means by which an apology letter may be filed in an incarcerated individual's parole file.
- E. If a victim has an active Order of Protection, the OVA will not be able to share the apology letter until the Order of Protection has expired, since any communication, including by a third party, is prohibited by the Order of Protection.

V. BOARD OF PAROLE: If an apology letter is included in the inmate's parole packet, it is within the discretion of the Board of Parole panel that is interviewing the inmate and/or reviewing the parole file, to discuss with the inmate the significance of the contents of the apology letter and to ascertain whether or not it has been sent to the OVA.

VI. GUIDELINES: A sincere apology letter demonstrates that the incarcerated individual regrets the harm he or she has caused and that he or she accepts responsibility for his or her crime(s). The writing of an apology letter will help incarcerated individuals identify their true feelings about themselves, their victim(s), and their crime(s). Suggested guidelines for an apology letter include the following:

- A. The writing of an apology letter is a voluntary act.
- B. The primary benefits realized by the incarcerated individual are related to personal insight and growth. This is applicable regardless of whether the victim is ever made aware of the letter's existence or its contents.
- C. The incarcerated individual must ask himself or herself if he or she is truly sorry for the harm inflicted upon the victim, or merely regrets having been caught. The incarcerated individual who primarily feels sorry for himself or herself is not ready to write an apology letter to the victim.

- D. The incarcerated individual must ask himself or herself if something is expected in return for the letter. If the incarcerated individual expects the victim to write back and communicate forgiveness, then the reason for writing the apology letter is to primarily benefit the incarcerated individual and not the victim. Under these circumstances, the incarcerated individual is not yet ready to write an apology letter.
- E. The incarcerated individual should not expect the victim to provide forgiveness. An expectation for forgiveness places responsibility on the victim to meet the incarcerated individual's needs. Instead, forgiveness is a deeply personal choice to be made by the victim at a time when and if the victim is ready.
- F. The incarcerated individual should accept responsibility for his or her actions without any excuses.
- G. The incarcerated individual should not blame the victim(s) or others for the crime(s).
- H. The incarcerated individual may include information about what is being done to change his or her criminal thinking and lifestyle.
- I. The incarcerated individual should not try to force his or her religious beliefs upon the victim, but it is okay to tell the victim that his or her faith is helping to change his or her criminal thinking and behavior.