
 <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Apology Letter Bank</b>		NO. 0510
			DATE 09/19/2022
SUPERSEDES DIR #0510 Dtd. 03/08/22	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 they are currently under indictment (see Directive #4422, “Incarcerated Individual 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. 4  
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 inform registered victims of the existence of the apology letter by phone. If phone contact is not successful, then a letter of notification will be mailed to the last known address.
  - 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 them by OVA staff, and/or mailed to them.
  - C. An apology letter will not be destroyed, even if the victim requests it be destroyed. This allows the opportunity for the victim to change their mind at a later date and be able to have the apology letter shared with them at that time.

- D. 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 they have 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 their attempt to communicate accountability, genuine remorse, and acknowledgement for the pain (financial, physical, and/or emotional) caused by their 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 incarcerated individual'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 the victim has an active Order of Protection, apology letters will not be accepted into the letter bank until the Order of Protection has expired, since any communication, including by a third party, is prohibited by the Order of Protection. Any letters written to victims who are found to have an active Order of Protection will not be processed and will be returned to the incarcerated individual.
- F. In order to be processed into the apology letter bank, all letters must be mailed directly from the incarcerated individual, not a third party or from an address other than from the assigned correctional facility.

**V. BOARD OF PAROLE:** If an apology letter is included in the incarcerated individual's parole packet, it is within the discretion of the Board of Parole panel that is interviewing the incarcerated individual and/or reviewing the parole file, to discuss with the incarcerated individual 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 they have caused and that they accept responsibility for their 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 themselves if they are truly sorry for the harm inflicted upon the victim, or merely regrets having been caught. The incarcerated individuals who primarily feel sorry for themselves are not ready to write an apology letter to the victim.
- D. The incarcerated individuals must ask themselves 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 of 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 their 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 their criminal thinking and lifestyle.
- I. The incarcerated individual should not try to force their religious beliefs upon the victim, but it is acceptable to tell the victim that their faith is helping to change their criminal thinking and behavior.