



Successful Youth • Strong Leaders • Safer Communities

MARYLAND
Department of
Juvenile Services

POLICY

SUBJECT: Victim Notification Policy

NUMBER: OPS-903-14

APPLICABLE TO: All Operations Division Staff

APPROVED: _____ */signature on original/*

Sam Abed, Secretary

DATE: 12/22/14

I. POLICY

The Department of Juvenile Services (DJS or Department) employees shall provide notification and assistance to each victim of a juvenile offense or the victim's representative when an official request is filed in accordance with Federal and State law and this policy and procedure.

II. AUTHORITY

- A. Md. Code Ann., Hum. Servs., §9-203 and §9-204.
- B. Md. Code Ann., Criminal Procedure Article, Title 11.
- C. Md. Code Ann., Courts and Judicial Proceedings, § 3-8A-01.
- D. Constitution of Maryland, Declaration of Rights, Article 47.

III. DIRECTIVES/POLICIES RESCINDED

- A. Victim Rights Policy, MGT-04-07

IV. FAILURE TO COMPLY

Failure to comply with the Department's policy and procedures shall be grounds for disciplinary action up to and including termination of employment.

V. STANDARD OPERATING PROCEDURES

Standard operating procedures have been developed.

VI. REVISION HISTORY

DESCRIPTION OF REVISION	DATE OF REVISION
Revised procedures issued; removed Victim Awareness Education Program; added guidelines for Shift Commander during escape; and revised Victim Notification Procedures and forms.	12/22/14

PROCEDURES

SUBJECT: Victim Notification Policy
NUMBER: OPS-903-14
APPLICABLE TO: All Operations Division Staff

APPROVED: /signature on original/
Linda McWilliams, Deputy Secretary
DATE: 11/12/14

I. PURPOSE

When an official request is filed in accordance with Federal and State law and DJS procedures, DJS shall ensure notification to each victim or the victim's representative of each change in status of the youth.

II. DEFINITIONS

Change in Status means anytime a youth under the custody of the Department escapes, is AWOL, is returned to custody, transferred to another commitment unit, released from placement, dies, or a warrant or writ is issued for the youth.

Child Respondent means a person who, in a petition filed in juvenile court, is alleged to have committed a delinquent act or has been found to have committed a delinquent act.

Commitment Unit means the Department of Juvenile Services or another state agency, including, but not limited to, programs operated by DPSCS, DHMH or DHR, that a court orders to retain custody of a defendant or child respondent

Crime Victim Notification Request and Demand for Rights Form (CVNF) means a form completed by a victim and returned to the court requesting notification of all hearings, changes, and events related to the victim's case. (See copy of the form in *Appendix 1*.)

Victim Services Coordinator means a DJS employee whose responsibilities include assisting victims and/or victim's representatives and working with DJS employees to ensure that victims are informed, rights are protected, restitution is collected, and employees are trained.

Release from Placement means release from confinement, work release, home detention, or other administrative or statutorily authorized release of a defendant or child respondent.

Victim means (1) a person who suffers direct or threatened physical, emotional or financial harm as a result of a crime or a delinquent act; or (2) an individual against whom an act specified in

§3-8A-19.1(b) of the Courts and Judicial Proceedings Article is committed or alleged to have been committed. A victim also includes a family member of a minor, disabled, or deceased victim or, if the victim is not an individual, the victim's agent or designee.

Victim Notification means the legal entitlement of a victim or victim's representative to receive notice of certain events regarding a youth's placement, release and supervision.

Victim Notification Required Alert means an alert that is opened in ASSIST when a victim has filed paperwork to be notified of offender's status/release; and includes, at a minimum, the name of victim or victim's representative, address, and contact number.

Victim Notification Liaison means a DJS employee who is designated by the Regional Director or designee to receive the CVNF and correspond with the victim or victim's representative.

Victim Notification Log means a log maintained for documenting a change in a youth's status.

Victim's Representative means an individual including a parent, legal guardian or a person authorized to give consent for the victim who is a minor, deceased or disabled.

III. **PROCEDURES**

A. General Procedures.

1. DJS shall
 - a. Provide victims of juvenile offenses and/or victim's representatives with the assistance necessary to support and aid them through the juvenile justice process;
 - b. Maintain an employee position dedicated to providing assistance to victims and/or victim's representatives, and coordinate with DJS employees to ensure that victims are notified of their rights;
 - c. Develop, implement and monitor DJS' statewide notification systems and provide information to victims and/or victim's representatives; and
 - d. Function as the single point of contact for issues related to victims' rights and services.
2. The Intake Officer, upon receiving a police report or complaint identifying a victim, shall provide information to the victim or victim's representative of their victim's rights according to the *DJS Intake Policy*.
3. The security of the victim and/or victim's representative's information shall be protected:
 - a. Employees shall not share information contained in a CVNF unless the information is being shared for business purposes only with a DJS employee, the State's Attorney's Office, the Clerk of Juvenile Court;
 - b. Employees shall not disclose to a youth or the youth's parents/guardians/custodians the address or telephone number of a witness, victim, victim's representative, or person who receives notice for the victim and shall take all reasonable precautions to prevent a youth from seeing a CVNF. Precautions shall include:
 - 1) Viewing the CVNF only when a youth or the youth's

- 2) parents/guardians/custodians cannot see the request; and
Not discussing the CVNF with a youth or the youth's parent/guardian/custodian or when a youth or the youth's parents/guardians/custodian might overhear the discussion.
 4. The security of the youth's confidential information shall not be disclosed to the victim or the victim's representative.
- B. Responsibilities of the Regional Director. The Regional Director shall:
1. Ensure notification to a victim or victim's representative when the victim has completed the CVNF or any other written requests for notification.
 2. Appoint a Victim Notification Liaison to oversee the Victim Notification process. *(See Appendix 2 for list of Victim Notification Liaisons for each Region.)*
 3. Notify the Clerk of Juvenile Court and the State's Attorney's Office of the name and contact information of the Victim Notification Liaison.
- C. Responsibilities of the Victim Notification Liaison. The Victim Notification Liaison shall:
1. Upon receipt of a CVNF completed by the victim or the victim's representative, enter an ALERT in ASSIST indicating Victim Notification Required; include the name of the victim or the victim's representative, complete mailing address, telephone number, and related petition/docket number(s).
 2. Complete the *Victim Notification Data Sheet (Appendix 3)* and keep the sheet on file.
 3. Complete and mail the *Notification to Victim of Receipt of CVNF (Appendix 4)* to the victim or victim's representative and record this activity in the *Victim Notification Log (Appendix 5)*.
 4. Notify the victim or the victim's representative when the youth is returned to DJS custody by completing the *Notification to Victim of Respondent's Change in Status form (NVRC) (Appendix 6)*.
 5. Notify the victim or the victim's representative by the end of the business day by completing and sending the *Notification to Victim of Respondent's Change in Status form (NVRC) (Appendix 6)* when
 - a. the youth is AWOL,
 - b. the youth is returned to custody,
 - c. the youth is transferred to another commitment agency (defined as DPSCS, DHR, and DHMH);
 - d. the youth is released from placement,
 - e. the youth's case is terminated, or
 - f. the youth is deceased.
 6. Document the notification on the *Victim Notification Log (Appendix 5)* include the status change and the date, time and name of the person reporting the status change.
 7. Send a copy of the data sheet and the CVNF within 5 business days of receipt to the Community CMS.
 8. Keep a copy of the log for 7 years.

- D. Responsibilities of the Case Management Specialist
1. The DJS Facility CMS shall:
 - a. Maintain a copy of the CVNF and data sheet in the youth's file;
 - b. Notify the Shift Commander of the admission and release of every youth for whom a victim (or a victim's representative) has completed a CVNF; and
 - c. Upon notification from the Shift Commander of a youth's escape, the CMS shall
 - 1) Document the information listed in Section E. below in the youth's file and in ASSIST.
 - 2) Complete and mail/email to the victim (or the victim's representative) the *Notification to Victim of Respondent's Change in Status Form, (Attachment 4)* by the end of the next business day. The form shall be copied to the Community Case Management Specialist and the Victim Notification Liaison in the youth's original jurisdiction.
 2. The Community Case Management Specialist shall:
 - a. Upon receipt of the CVNF, confirm a Victim Notification Required alert is opened, if not, notify the Victim Notification Liaison;
 - b. Maintain a copy of the CVNF and data sheet in the youth's file;
 - c. If the youth has been placed in a DJS-operated residential facility, send a copy of the data sheet and the CVNF by the end of the next business day to the DJS facility where a youth is committed;
 - d. Notify the Victim Notification Liaison in writing within 48 hours of any change in status, including the youth's release, death, transfer to another agency, termination of jurisdiction, or return to custody from an AWOL or Escape;
 - e. In the event the youth is placed in a privately operated residential facility and is AWOL, the CMS shall notify the Victim Notification Liaison in writing within 2 hours of receiving notification of the AWOL (unless youth has returned to the facility during that time); if notified after hours, notify the Victim Notification Liaison by noon of the next business day; and when the youth is returned to custody from an AWOL notify the Victim Notification Liaison within 1 business day of the youth's return to the placement;
 - f. In the event of courtesy supervision, the CMS shall notify the CMS in the original jurisdiction who shall inform the Victim Notification Liaison; and
 - g. Upon notification that jurisdiction is terminated, close the Victim Notification Alert in ASSIST.
- E. Responsibilities of the Shift Commander when a youth escapes or is AWOL. The Shift Commander shall:
1. Notify the victims (and/or the victims' representative) who have completed a CVNF of all incidents of the youths' escape/AWOL from a facility or program. This notification shall be completed within **four hours** of the youth's escape/AWOL; and

2. Forward to the Facility Case Management Specialist by the end of the shift the following information:
 - a. Name of each person notified;
 - b. The date, time, and method of each notification attempt;
 - c. The result of each notification attempt; and
 - d. The name of the DJS employee attempting notification.

- F. Responsibilities of the Case Management Specialist Supervisor. The Case Management Specialist Supervisor shall:
 1. Check the youth's hard file for a CVNF or any other written requests for notification during the Supervisor Case Review or when a new/transfer case/courtesy supervision request is received.
 2. Ensure that the Victim Notification Required alert is active in ASSIST if the CVNF or any other written requests for notification are in the youth's hard file.
 3. Direct the assigned CMS to notify the Victim Notification Liaison to open the Victim Notification Required alert if no alert is open and to follow all Department procedures set forth in the victim notification standard operating procedures.
 4. Notify the Victim Notification Liaison of victim notification related issues in the absence of the assigned CMS.

- G. Responsibilities of the Victim Services Coordinator. The Victim Services Coordinator shall:
 1. Upon request, provide assistance for victims or victim's representatives and information regarding appropriate interventions if an offender is harassing, threatening or endangering a victim.
 2. Assist victims or victims' representatives with the enforcement of court orders for restitution and inform victims and/or victims' representatives of their right to initiate civil action regarding delinquent restitution accounts.
 3. Represent DJS on issues of victim services and in victim services networks and coalitions, including conducting presentations pertaining to victim related issues.
 4. Stay abreast of Federal and State laws and best practices regarding victim related issues; recommend changes to policy when needed.
 5. Develop and provide brochures to all DJS offices for distribution to victims.
 6. Provide entry-level training on victim's notification to DJS employees.
 7. Maintain copies of the Victim Notification Logs.
 8. Maintain documentation of all communication with victims or victim's representative.

IV. RESPONSIBILITY

Facility Administrators and Regional Directors are responsible for implementation and compliance with this procedure.

V. INTERPRETATION

The Deputy Secretary of Operations shall be responsible for interpreting and granting any exceptions to this procedure.

VI. LOCAL OPERATING PROCEDURES REQUIRED

No

VII. DIRECTIVES/POLICIES REFERENCED

A. Incident Reporting Policy

VIII. APPENDICES

1. [Crime Victim Notification Form \(CVNF\)](#)
2. [Regional Victim Notification Liaisons](#)
3. [Victim Notification Data Sheet](#)
4. [Notification to Victim of Receipt of CVNF](#)
5. [Victim Notification Log](#)
6. [Notification to Victim of Respondent's Change \(NVRC\)](#)



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DJS POLICY AND STANDARD OPERATING PROCEDURES Statement of Receipt and Acknowledgment of Review

SUBJECT: Victim Notification Policy
NUMBER: OPS-903-14
APPLICABLE TO: All Operations Division staff

I have received and reviewed a copy (electronic or paper) of the above titled policy.

I understand that failure to sign this acknowledgment form within five business days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

SIGNATURE

PRINTED NAME

DATE

**SEND THE ORIGINAL, SIGNED COPY TO VERNELL JAMES IN THE DJS OFFICE OF
HUMAN RESOURCES FOR PLACMENT IN YOUR PERSONNEL FILE.**