

Division of Youth Rehabilitative Services

Chapter 2: Professional Practices	Policy # 2.14	Page: 1 of 5
Subject: Victim Notification	Standards: 11 Del. C. § 9401; 11 Del. C. § 9413	
Effective Date: 12/15/08	Revised: 6/27/14	

- I. PURPOSE: To ensure compliance with the Victim's Bill of Rights.
- II. POLICY: The Department of Services for Children, Youth, and Their Families (DSCYF) is mandated to comply with victim notification as outlined in the Victims' Bill of Rights (Title 11, Chapter 94).
- III. PROCEDURES:
 - A. Victim Notification Records and Projected Release Notification:
 1. **Community Services** shall be required to:
 - Obtain sentencing orders for youth placed in **contracted** Level IV or V facilities.
 - Research victim address and telephone information in DELJIS for adjudicated charges for which victim notification applies under the Victims' Bill of Rights (11 Del. C. §9401).
 - Develop a list of youth targeted to be discharged from **contracted** Level IV or V facilities no less than 45 days in advance of youth projected discharge dates.
 - Mail out 100% of victim notification letters "in advance" of each youth's scheduled release from a Level IV or V **contracted** residential facility. A copy of the victim letter shall be kept on file by DYRS Community Services. (See Attachment A.)
 - Complete the Community Services portion of the Victim Notification Annual Report each year by January 15th. Corrective action plans will be developed with supervisory assistance by February 15th of each year for areas that are rated to be less than 98% compliant with DYRS internal procedures for compliance with the Victims' Bill of Rights.
 - Community Services shall maintain victim records in a secure administrative file with limited access separate from the Community Services client case management file.

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2. **Secure Care** shall be required to:

- Obtain sentencing orders for youth placed in **State-run** Level IV or V facilities.
- Research victim address and telephone information in DELJIS for adjudicated charges for which victim notification applies under the Victims' Bill of Rights (11 Del. C. §9401). This shall be completed by the Treatment Specialist Supervisor.
- Mail victim notification letters for youth scheduled to be discharged from **State-run** Level IV or V facilities at least 15 days prior to the youth's release to the community.
- Mail out 100% of victim notification letters "in advance" of each youth's scheduled release from a Level IV or V **State-run** residential facility. A copy of the victim letter shall be kept on file by Ferris School and Residential Cottages. (See Attachment A.)
- Complete the Secure Care portion of the Victim Notification Annual Report each year by January 15th. Corrective action plans will be developed with supervisory assistance by February 15th of each year for areas that are rated to be less than 98% compliant with DYRS internal procedures for compliance with the Victims' Bill of Rights.
- Secure Care shall maintain victim records in secure administrative file(s) with limited access separate from the Secure Care client case management file.

B. Escape Notification:

1. Level IV and V contracted providers shall contact the Ferris School Control Room as soon as possible but no longer than 4 hours after the event that a DYRS client has escaped or failed to return from a scheduled pass.
2. If an escape occurs from a DYRS state run Secure Care program, the Treatment Specialist Supervisor on duty will notify the Control Room of the escape or failure to return from a scheduled home pass "immediately".

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3. For all reported escapes or failures to return from passes referenced above for both contracted and state run Level IV or V programs, a Treatment Specialist Supervisor or the Administrator on Duty (AOD) must do the following:
 - Review the FACTS placement summary to determine the timeframe for which victim notification is required. Victim notification will be required for the current, continuous Level IV/V placement episode. For an escape from detention, victim notification is required only if youth has been adjudicated.
 - Review DELJIS/CJIS to obtain list of charges, case numbers, charge sequence numbers, victim names, addresses and telephone information for each victim in the continuous Level IV/V placement episode for adjudicated charges listed in 11 Del. C. §9401.
 - For these identified victims, call the victim(s) and give him/her the following information after identifying yourself as an employee of DSCYF/DYRS:
 - “Under the Victims’ Bill of Rights, Delaware law requires the Division of Rehabilitative services to notify you, the victim, that (Name of the Juvenile) has escaped from custody.”
 - In the event that a victim is unavailable by telephone, a telephone call is to be made to the local police agency related to the victim’s home address. The police agency should be requested to notify the victim in person, in compliance with Title 11, Chapter 94 of the Delaware Code relating to the Victims’ Bill of Rights. The perpetrator’s name, victim’s name, address and telephone number (if known) should be given to the local police agency. The police agency should be requested to inform the Ferris School control room, via telephone, once the victim has been notified. (See Attachment B.)
 - After contacting the victim or the police agency, the Treatment Specialist Supervisor shall complete the **Victim Notification of Escape Form** (Attachment B). This form shall be completed for each escape event regardless of whether or not victims have been identified as these events are tracked for the annual report. The Treatment Specialist Supervisor shall forward copies of this form to the persons designated at the bottom of the form.

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- The victim notification process must be completed by the Treatment Specialist Supervisor or Administrator on Duty within two hours of the initial notification of an escape or failure to return from home pass.

C. Providing Victims with Information Concerning the Terms and Conditions of Probation and Sentence Compliance:

1. Upon request by a victim of a crime perpetrated by a client of DYRS, DYRS staff will:
 - a. Verify the identity of the requestor to ensure that they are in fact the stated victim as identified in DELJIS.
 - b. Provide the verified victim with information pertaining to the conditions of supervision of the juvenile offender as outlined in either the court order or in signed conditions of release or supervision.
 - c. Provide the verified victim with information pertaining to the juvenile offender's compliance/non-compliance with the conditions of supervision.
2. Any victim contact and information sharing shall be recorded in FACTS in a progress note contained in the client case. Notes will include steps taken to verify victim identity as well as information shared.
3. Unless an appropriate release form has been provided, DYRS will not divulge information of a personal nature regarding the juvenile offender. This may include but not be limited to: telephone number; address; school; names of friends or relatives.
4. Under no circumstance, will information contained in the case file be shared with the victim unless it is information related to the above mentioned requirements.

D. Retention of Victim Records: DYRS Community Services and Secure Care shall maintain a copy of all victim notification records on file for a period of no less than five (5) years.

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E. Annual Report: Community Services, Ferris School, and Residential Cottages must complete and send an annual report to the Division Director outlining compliance with the Victims' Bill of Rights by January 15th for the previous calendar year. The report must be completed on the Victim Notification Annual Report form (Attachment C) provided by the Criminal Justice Council. The Division Director must review and forward the report to the Governor's Office with a copy to the Criminal Justice Council by January 31st of each year.

Review Date:	Reviewed By:
6/27/14	Nancy S. Deitz